

LFC Requester:	Sunny Liu
----------------	-----------

**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2-12-17
Original **Amendment**
Correction **Substitute** **Bill No:** SB213/aSEC

Sponsor: Senator Gay G. Kernan **Agency Code:** 924
Short Title: SUPPORT FOR TRANSFERRING STUDENTS **Person Writing:** Aguilar/Ornelas
Phone: 827-6519 **Email:** PaulJ.Aguilar@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
	None Noted		

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of SB213 Amendment: The Senate Education Committee Amendment to Senate Bill 213 (SB213/aSEC) adds clarification to the categories of students who have experienced educational disruption. Specifically, homelessness is further defined as being determined by the school or school district; an abused or neglected child is to be determined by the Children Youth and Families Department (CYFD) pursuant to the Abuse and Neglect Act; and students who are delinquent would only be identified if the parent chooses to disclose the adjudication of delinquency.

Significant Issues of SB213 Amendment: The added clarification provided by SB213/aSEC may require that school districts work with CYFD to determine if a student meets the definition of an abused or neglected child. Also, school districts would need to establish processes for

identification of eligible students and for receiving disclosure from parents of a student's adjudication of delinquency.

Potential Amendments

The legislature may wish to consider inserting, on page 3, line 18, after "activities" "under the jurisdiction of the New Mexico Activities Association" – this may provide clarity regarding extra-curricular athletics and activities.

The title of the bill refers to "A HIGH SCHOOL STUDENT WHO HAS EXPERIENCED DISRUPTION IN THE EDUCATION PROCESS THROUGH NO FAULT OF THE STUDENT". It is unclear if delinquency can be defined as "no fault of the student". The legislature may wish to address this issue in its deliberations.

Synopsis of Original SB213: Senate Bill 213 (SB213) amends the public school code to require sending and receiving schools to provide high school students who have experience a disruption in the education process through no fault of their own (e.g., homeless youth, adjudicated youth, foster youth, and youth placed in a behavioral health treatment or habilitation program among others) opportunities to participate in school academic and extracurricular activities for which they are eligible.

SB213 also requires the sending school or school district to provide student records to the receiving school within two days of receipt of the request by the receiving school and addresses appropriate and expedited placement in both classes that meet the graduation requirement and elective classes in order that these students are able to earn credits to graduate in a timely manner from high school.

FISCAL IMPLICATIONS

The New Mexico Public Education Department (PED) would need to ensure public schools and state chartered-charter schools are aware of the changes to the Public School Code (§ 22-2) and provide assistance as needed. This could be done with existing resources.

SIGNIFICANT ISSUES

Significant Issues of Original SB213: The Joint Education Task Force was created in December 2012, through a New Mexico Supreme Court order establishing the task force. The task force, co-chaired by former Chief Justice Petra Jimenez Maes and Governor Susana Martinez, was charged with providing the court with collaborative advice, recommendations, and proposed strategies for addressing the educational needs of high risk children and youth particularly children and youth in the state's custody. Specifically, the order required that the task force submit a report summarizing its activities, findings, and recommendations on the development of a sustainable collaborative model for ongoing systemic improvement of educational outcomes and the challenges and barriers to educational success.

The final report included recommendations for the creation of a credit recovery document that highlights best practices to assist districts and provides ongoing considerations of developing policies and practices that ensures students obtain eligible credit despite school placement changes. The recommendations also included statewide credit policies be developed. SB213, through the expedited placement in core and elective classes of students experiencing a

disruption in the education process through no fault of their own, would, in part, align with these recommendations.

National research shows that students who experience disruption in their educational process are at high-risk of dropping out of school and are unlikely to attend or graduate from college. The frequent mobility of these students has been identified as a major barrier to their academic success. This population includes:

- Students experiencing homelessness as defined by the federal McKinney-Vento Homeless Assistance Act; and
- Students that are adjudicated and have experienced abuse or neglect as a child or is part of a family in need of court-ordered services voluntary placement; or as a delinquent.

Changing schools multiple times significantly impedes a student's academic and social growth. The research on highly mobile students, including homeless and foster care students, indicates that a student can lose academic progress with each school change. Students experiencing high mobility have also been found to have lower test scores and worse overall academic performance than peers who do not change schools frequently.

According to the New Mexico Consolidated State Performance Report (CSPR) for school year 2015-2016, New Mexico schools collectively reported 10,075 students statewide that are experiencing homelessness. The National Coalition for the Homeless reports that students' experiencing homelessness often change schools because shelters or other temporary accommodations are not located in their school district. According to the Institute for Children and Poverty, in recent years, 42% of homeless children transferred schools at least once, and 51% of these students transferred twice or more (<http://www.icphusa.org/>).

The New Mexico Children Youth and Families Department (CYFD) reports that there are currently 2,663 children and youth in the foster care system. According to *Research Highlights of Education and Foster Care*:

- Students in foster care at the age of 17 are less likely to graduate from high school than their peers;
- 56%-75% of foster youth change schools when first entering care; and
- 34% of 17-18 year olds in care have experienced 5+ school changes.

Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care January 2014

(http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=1279&Command=Core_Download&method=inline&PortalId=0&TabId=124)

While options for credit recovery, such as courses offered through IDEAL New Mexico (<http://idealnewmexico.org/>), currently exist within the state, changes to the New Mexico Children's Code requiring expedited record transfers between sending and receiving schools for populations identified in SB213 would ensure that student course work completed at the time of transfer counts toward graduation requirements.

SB213 also ensures equal access to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies.

Research has demonstrated that involvement in extracurricular activities helps at-risk students as the engagement in school extracurricular activities is linked to decreasing rates of early school dropouts in both boys and girls. (<http://www.ascd.org/publications/educational-leadership/dec99/vol57/num04/-Extracurricular-Activities@-The-Path-to-Academic-Success%2%A2.aspx>).

Finally, as IDEA Part B of the Individuals with Disabilities Education Act authorizes states to provide services for students with cognitive and /or physical disabilities, SB213 reinforces this federal requirement.

PERFORMANCE IMPLICATIONS

SB 213 supports the PED's strategic plan through ensuring all children are ready for success and through removing potential barriers to graduation.

ADMINISTRATIVE IMPLICATIONS

Administrative Implications of SB213 Amendment: The PED will need to collaborate with CYFD to develop and provide guidance to school districts and charter schools regarding eligible students and their rights under SB213/aSEC. This could be done with existing resources.

Administrative Implications of Original SB213: The PED would have to ensure public schools and state chartered-charter schools are aware of the changes to the Public School Code (§ 22-2) and provide assistance as needed. This could be done with existing resources.

OTHER SUBSTANTIVE ISSUES

The Every Student Succeeds Act (ESSA) provides specific language addressing removing the barriers to education and educational opportunities for students experiencing homelessness and students in foster care. SB213 would reinforce the federal law.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The New Mexico Children's Code would remain unchanged.

AMENDMENTS

The legislature may wish to consider inserting, on page 3, line 18, after "activities" "under the jurisdiction of the New Mexico Activities Association" – this may provide clarity regarding extra-curricular athletics and activities.

The title of the bill refers to "A HIGH SCHOOL STUDENT WHO HAS EXPERIENCED DISRUPTION IN THE EDUCATION PROCESS THROUGH NO FAULT OF THE STUDENT". It is unclear if delinquency can be defined as "no fault of the student". The legislature may wish to address this issue in its deliberations.