

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 02/03/23
Bill No: HB252

Sponsor: Zamora
Short Title: SCHOOL DISTRICT ATTENDANCE INCENTIVES

Agency Name and Code Number: PED - 924
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	\$67,000.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	\$110.0	None	\$110.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
 Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 252 (HB252) would appropriate \$67.0 million to the Public Education Department (PED) to provide school districts with funding for incentives to increase student attendance.

FISCAL IMPLICATIONS

HB252 would appropriate \$67 million from the general fund to PED for expenditure in FY24 to provide school districts with funding for incentives to increase student attendance. The bill would require any unexpended or unencumbered balance remaining at the end of FY24 to revert to the general fund.

HB252 would require PED to determine a distribution of funds to each school district in the state based on student enrollment and would require each school district to provide an incentive to “a student” who is *not* chronically or excessively absent, as defined in the Attendance for Success Act, by the end of the school year.

Because the funds revert at the end of FY24 PED may not have enough time after enactment of the legislation to determine a funding method, create requirements for school districts, suggest appropriate incentives and incentive amounts for students, and distribute all the funds.

SIGNIFICANT ISSUES

The Attendance for Success Act defines “chronically absent” as a student who has been absent for 10-20 percent of classes or school days for any reason, whether excused or not, when enrolled for more than ten days. “Excessively absent” is defined as a student who is identified as needing intensive support (meaning who is absent for at least 20 percent of their classes or school days for any reason) and has not responded to intervention efforts implemented by the public school.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The requirements of HB252 would require the addition of 1 FTE at PED for FY24 for a cost of \$110,000.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to [SB367, School Attendance Changes](#), which promotes school attendance improvements by supporting student attendance interventions for schools through whole school reforms, also by amending the Attendance for Success Act.

TECHNICAL ISSUES

HB252 does not specify that the funds can also be distributed to state-chartered charter schools. The sponsor may wish to amend the bill to include state-chartered charter schools.

HB252 requires each school district to provide an incentive to “a student.” This could be interpreted to mean that the incentives are to be distributed to one student per district.

It appears the intent may be to distribute money to students as the incentive, which could be a violation of the New Mexico Constitution’s anti-donation clause.

OTHER SUBSTANTIVE ISSUES

In 2019 the Compulsory School Attendance Law was repealed and replaced with the Attendance for Success Act. Nationally, states have been moving away from “habitual truancy”, as was used in the Compulsory School Attendance Law, to “chronic absenteeism.” The use of the term,

chronic absenteeism, focuses on prevention and intervention, rather than punitive measures sometimes associated with habitual truancy. Chronic absenteeism is measured using percentages and focuses on time out of school for any reason, including unexcused, excused, and out-of-school suspensions. Chronic absenteeism is an optional indicator under the federal Every Student Succeeds Act and is a measure that can demonstrate improvement and progress.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

The sponsor may wish to clarify whether the intent of the bill was to provide an incentive to “a student” or to provide incentives to “students”.

Given the length of time likely needed to implement the requirements of the bill, the sponsor may wish to consider amending the reversion clause or allowing more than one fiscal year for implementation.