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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 2nd Session, 2026

Bill Number	<u>SB105</u>	Sponsor	<u>Pope</u>
Tracking Number	<u>.232639.1</u>	Committee Referrals	<u>SCC/SEC/SHPAC</u>
Short Title	<u>Attendance for Success & Excused Absences</u>		
Analyst	<u>Andrews</u>	Original Date	<u>1/30/2026</u>
		Last Updated	<u></u>

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of Bill

Senate Bill 105 (SB105) amends the Attendance for Success Act (Section 22-12A NMSA 1978) to allow greater consideration for school districts and charter schools in excusing absences and directing attendance interventions for students with disabilities or severe medical conditions who are absent as provided in students' individualized education program (IEP) or Section 504 plan.

The bill also makes changes to the Attendance for Success Act so students with disabilities or severe medical conditions who are absent to receive services as specified in their IEP or Section 504 plan would not be considered excessively absent for the purposes of enforcement.

Finally, SB105 requires the Public Education Department (PED) to develop and publish written guidance for school districts on how to implement the Attendance for Success Act, including guidance on allowable absences.

The bill does not contain an effective date, and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or May 20, 2026.

FISCAL IMPACT

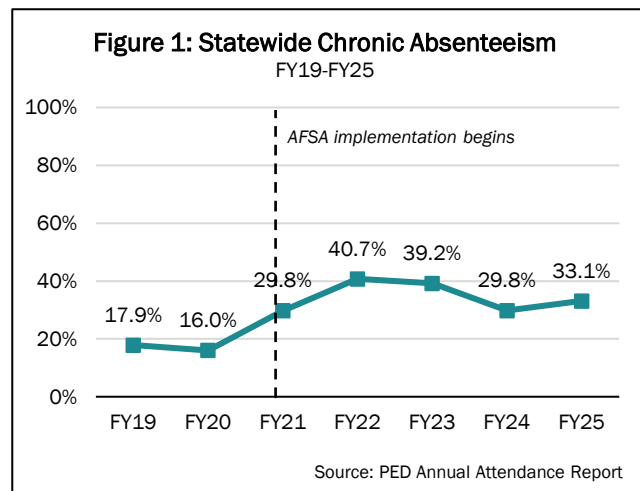
SB105 does not contain an appropriation.

SUBSTANTIVE ISSUES

Student Attendance in New Mexico. The Legislature enacted the [Attendance for Success Act](#)—Laws 2019, Chapter 223 (House Bill 236)—to provide for early, intensive interventions for absent, chronically absent, and excessively absent students. The interventions are progressive and begin by meeting with parents to offer support and may progress to a potential referral to the Children, Youth, and Families Department (CYFD). Interventions for absent students focus on nonpunitive

consequences and partnerships between schools and local service providers, businesses, healthcare providers, counselors, and civic groups to involve the entire community in supporting students’ attendance. The law also requires public schools and school districts to report specific attendance metrics to PED.

While the statewide chronic absenteeism rate dropped after the initial passage of the Attendance for Success Act, student absenteeism rose during the Covid-19 pandemic. See **Figure 1: Statewide Chronic Absenteeism**. The statewide chronic absenteeism rate measures the percent of students in New Mexico who are missing at least 10 percent of a school year’s days, for any reason, excused or unexcused. [Research](#) points to student disengagement, lack of student and family supports, and student and family health challenges as significant drivers of chronic absence.



PED [reported](#) a chronic absenteeism rate of 33.1 percent for SY25 for all students, and a chronic absenteeism rate of 35 percent for students with disabilities. The proposed bill would ensure schools are aware of appointments outlined in a student’s IEP and this communication and support could help prevent students with disabilities from being excessively absent.

Attendance for Success Act Issues for Students with Disabilities. During the 2024 and 2025 interims, stakeholders repeatedly testified during the public comment portion of LESC meetings that students with disabilities and students with severe medical conditions were being considered chronically absent for attending appointments specified in their IEPs and Section 504 plans (for example, medical appointments and therapies such as occupational or behavioral therapy). Parents of students with IEPs and Section 504 plans testified about districts referring their student to junior probation officers and CYFD.

SB105 would make changes to state law to exempt students with disabilities and severe medical needs who are attending appointments as specified in their IEPs or Section 504 plans from being considered excessively absent for the purpose of enforcement. In addition, SB105 would require PED to issue guidance on the Attendance for Success Act in regard to students with disabilities and severe medical needs, in addition to all allowable absences.

ADMINISTRATIVE IMPLICATIONS

SB105 requires PED to promulgate updated rules as well as written guidance for school districts on the implementation of the Attendance for Success Act.

SOURCES OF INFORMATION

- LESC Files

MCA/nd/jkh