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HOUSE BILL 282

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO SCHOOL ATTENDANCE; REQUIRING GREATER COOPERATION
BETWEEN SCHOOLS AND JUVENILE PROBATION SERVICES IN THE
ENFORCEMENT OF THE ATTENDANCE FOR SUCCESS ACT; REQUIRING A
PRELIMINARY INQUIRY OF A DELINQUENCY COMPLAINT TO INCLUDE A
REVIEW OF THE CHILD'S SCHOOL ATTENDANCE; REQUIRING JUVENILE
PROBATION SERVICES TO INITIATE OR REVIEW INTERVENTIONS FOR A
CHILD SUBJECT TO A DELINQUENCY COMPLAINT WHO IS CHRONICALLY OR
EXCESSIVELY ABSENT FROM SCHOOL; REQUIRING A CHILDREN'S COURT
ATTORNEY TO INITIATE PROCEEDINGS PURSUANT TO THE FAMILY IN NEED
OF COURT-ORDERED SERVICES ACT FOR CERTAIN CHILDREN WHO ARE
CHRONICALLY OR EXCESSIVELY ABSENT FROM SCHOOL; AUTHORIZING
JUVENILE PROBATION SERVICES TO INITIATE ENFORCEMENT OF THE
ATTENDANCE FOR SUCCESS ACT FOR CERTAIN STUDENTS WHO ARE
CHRONICALLY OR EXCESSIVELY ABSENT FROM SCHOOL; PROVIDING
JUVENILE PROBATION SERVICES WITH IMMEDIATE ACCESS TO A

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1 STUDENT'S ATTENDANCE RECORDS; ALLOWING THE CHILDREN'S COURT TO
2 SUSPEND AN EXCESSIVELY ABSENT STUDENT'S DRIVING PRIVILEGES FOR
3 A SPECIFIED TIME AT THE REQUEST OF JUVENILE PROBATION SERVICES;
4 MAKING IT A CRIME FOR A PARENT OF AN EXCESSIVELY ABSENT STUDENT
5 TO CAUSE OR ALLOW THE STUDENT TO CONTINUE TO BE ABSENT FROM
6 SCHOOL AFTER A REPORT IS MADE TO THE JUVENILE PROBATION
7 SERVICES OFFICE; PRESCRIBING PENALTIES; MAKING CONFORMING
8 AMENDMENTS.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 22-12A-2 NMSA 1978 (being Laws 2019,
12 Chapter 223, Section 2) is amended to read:

13 "22-12A-2. DEFINITIONS.--As used in the Attendance for
14 Success Act:

15 A. "absent" means not in attendance for a class or
16 school day for any reason, whether excused or not; provided
17 that "absent" does not apply to participation in
18 interscholastic extracurricular activities;

19 B. "attendance improvement plan" means a tiered
20 data-informed system for public schools and school districts to
21 identify students who are chronically or excessively absent and
22 to aid public schools in developing whole-school prevention
23 strategies and targeted interventions. Each of the tiers is
24 defined as follows:

25 (1) "whole school prevention" means universal,

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1 whole-school prevention strategies for all students, including
2 students who have missed less than five percent of classes or
3 school days for any reason;

4 (2) "individualized prevention" means targeted
5 prevention strategies for individual students who are missing
6 five percent or more but less than ten percent of classes or
7 school days for any reason;

8 (3) "early intervention" means interventions
9 for students who are missing ten percent or more but less than
10 twenty percent of classes or school days for any reason; and

11 (4) "intensive support" means interventions
12 for students who are missing twenty percent or more of classes
13 or school days for any reason;

14 C. "attendance team" means a group of school-based
15 administrators, teachers, staff, other school personnel and
16 community members who collaborate to implement an attendance
17 improvement plan;

18 D. "chronic absence rate" means the percentage of
19 students, in the aggregate and disaggregated by the subgroups
20 required for reporting pursuant to the federal Every Student
21 Succeeds Act, in a public school and a school district who have
22 been enrolled for at least ten days and who have missed ten
23 percent or more of school days since the beginning of the
24 school year;

25 E. "chronically absent" or "chronic absenteeism"

1 means that a student has been absent for ten percent or more of
2 classes or school days for any reason, whether excused or not,
3 when enrolled for more than ten days;

4 F. "excessively absent" or "excessive absenteeism"
5 means a student who is identified as needing intensive support
6 and has not responded to intervention efforts implemented by
7 the public school;

8 G. "excused absence" means absence from a class or
9 school day for a death in the family, medical absence,
10 religious instruction or tribal obligations or any other
11 allowable excuse pursuant to the policies of the local school
12 board;

13 H. "interscholastic extracurricular activities"
14 means those activities sponsored by a public school or an
15 organization whose principal purpose is the regulation,
16 direction, administration and supervision of interscholastic
17 extracurricular activities in public schools;

18 I. "juvenile probation services" means juvenile
19 probation and parole services provided in accordance with
20 Section 32A-2-5 NMSA 1978;

21 [~~F.~~] J. "local school board" includes the governing
22 body of a charter school;

23 [~~G.~~] K. "medical absence" or "medically absent"
24 means that a student is not in attendance for a class or a
25 school day for a parent- or doctor-authorized medical reason or

1 the student is a pregnant or parenting student;

2 [K+] L. "school day" means a portion of the school
3 day that is at least one-half of a student's approved program;

4 [H+] M. "school district" includes a charter
5 school;

6 [M+] N. "school principal" includes the head
7 administrator of a charter school; and

8 [N+] O. "unexcused absence" means an absence from a
9 class or school day for which the student does not have an
10 allowable excuse pursuant to the Attendance for Success Act or
11 policies of the local school board."

12 SECTION 2. Section 22-12A-6 NMSA 1978 (being Laws 2019,
13 Chapter 223, Section 6) is amended to read:

14 "22-12A-6. PUBLIC SCHOOL ATTENDANCE POLICIES--
15 REPORTING.--

16 A. A public school shall maintain an attendance
17 policy that:

18 (1) establishes an early warning system that
19 includes evidence-based metrics to identify students at risk of
20 chronic absenteeism or excessive absenteeism;

21 (2) provides for early identification of
22 chronically absent and excessively absent students;

23 (3) employs an attendance improvement plan
24 that focuses on:

25 (a) keeping students in an educational

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1 setting;

2 (b) prohibiting out-of-school suspension
3 or expulsion as the punishment for absences;

4 (c) assisting a student's family to
5 remove barriers to the student's regular school attendance or
6 attendance in another educational setting; and

7 (d) providing additional educational
8 opportunities to students who are struggling with attendance;

9 (4) limits the ability of a student to
10 withdraw to only after all intervention efforts by the public
11 school or the children, youth and families department to keep
12 the student in an educational setting have been exhausted;

13 (5) requires that accurate class attendance be
14 taken for every instructional class and school day in a public
15 school or school program;

16 (6) provides that a public school shall
17 differentiate between different types of absences;

18 (7) requires a public school to document the
19 following for each chronically or excessively absent student:

20 (a) attempts by the public school to
21 notify a parent that the student was absent from class or the
22 school day;

23 (b) attempts to improve attendance by
24 talking to a student or parent to identify barriers to school
25 attendance, identify solutions to improve the student's

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1 attendance behavior and discuss necessary interventions for the
2 student or the student's family; and

3 (c) intervention strategies implemented
4 to support keeping the student in an educational setting,
5 including additional educational opportunities offered to the
6 student;

7 (8) requires a student or the parent of a
8 student who intends to claim excused absence because of medical
9 condition, pregnancy or parenting to communicate the student's
10 status to the appropriate school personnel and to provide
11 required documentation; and

12 (9) encourages and supports compliant data
13 sharing, pursuant to the federal Family Educational Rights and
14 Privacy Act of 1974, between a public school and community-
15 based organizations that provide services to students for the
16 purpose of providing more personalized interventions and
17 specialized supports as part of the public school's attendance
18 improvement plan.

19 B. Local school boards shall review and approve
20 their public school attendance policies.

21 C. School districts shall report absences, chronic
22 absences and excessive absences data to the department at each
23 reporting date and the end of the school year and shall
24 document intervention efforts made to keep students in an
25 educational setting. The department shall compile school

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1 district reports as provided in Section [~~13 of the Attendance~~
2 ~~for Success Act~~] 22-12A-13 NMSA 1978 and require school
3 districts to certify that the information is being reported
4 consistently and correctly. The department shall share
5 information from state-chartered charter schools with the
6 commission.

7 D. A public school shall provide a copy of the
8 public school's attendance policy to all parents of students in
9 that school and publish the policy on the public school's
10 website. The attendance policy shall include:

11 (1) the rights and obligations of parents and
12 students pursuant to the Attendance for Success Act;

13 (2) the prevention strategies that will be
14 implemented to ensure that students attend classes; and

15 (3) details about consequences of failing to
16 adhere to the attendance policy.

17 E. A public school shall provide a parent, within
18 five days of the parent's written request, with access to the
19 attendance data of that parent's child, including information
20 about any intervention strategies that have been employed to
21 help the student improve the student's attendance.

22 F. Upon request, school districts shall provide the
23 chronic absence rate from the most current reporting date or
24 end-of-year report, in the aggregate and disaggregated by
25 subgroups, for all its public schools.

1 G. Immediately upon request, a public school shall
2 provide juvenile probation services with a student's attendance
3 records and records of any attendance interventions and
4 responses to those interventions."

5 **SECTION 3.** Section 22-12A-12 NMSA 1978 (being Laws 2019,
6 Chapter 223, Section 12) is amended to read:

7 "22-12A-12. CHRONIC AND EXCESSIVE ABSENTEEISM--
8 ENFORCEMENT.--

9 A. Each local school board and each governing body
10 of a charter school or private school shall initiate the
11 enforcement of ~~[the provisions of]~~ the Attendance for Success
12 Act for excessively absent students. Juvenile probation
13 services shall initiate enforcement of the Attendance for
14 Success Act for chronically absent students who are subject to
15 a delinquency complaint.

16 B. For excessively absent students, if ~~[unexcused]~~
17 absences continue after written notice of excessive absenteeism
18 as provided in Section ~~[11 of the Attendance for Success Act]~~
19 22-12A-11 NMSA 1978, the local school board or governing body
20 of a charter school or private school, after consultation with
21 the local superintendent or head administrator of a charter
22 school or private school, shall report the excessively absent
23 student to the juvenile probation services office of the
24 judicial district in which the student resides. ~~[for an~~
25 ~~investigation as to]~~ Upon receiving a report, the juvenile

1 probation services office shall investigate whether the student
2 ~~[should be considered to be]~~ is a neglected child or a child in
3 a family in need of family services because of excessive
4 absenteeism ~~[and, thus, subject to the provisions of]~~ in
5 accordance with the Children's Code. The local superintendent
6 or head administrator of a charter school or private school
7 shall provide the record of the ~~[public]~~ school's interventions
8 and the student's and parent's responses to the interventions
9 ~~[shall be provided]~~ to the juvenile probation services office
10 ~~[The local superintendent or head administrator of a charter~~
11 ~~school or private school shall provide the documentation to the~~
12 ~~juvenile probation services office]~~ within ten business days of
13 the student being identified as excessively absent.

14 C. If the juvenile probation services office
15 determines that the excessively absent student is a child in a
16 family in need of family services, a caseworker from the ~~[child~~
17 ~~or family in need of family services program]~~ children, youth
18 and families department shall meet with the family at the
19 ~~[public school in which the student is enrolled]~~ student's
20 school to determine if ~~[there are]~~ other intervention services
21 ~~[that]~~ may be provided. The meeting shall involve the school
22 principal or other school personnel and, unless the parent
23 objects in writing, appropriate community partners that provide
24 services to children and families. The children, youth and
25 families department shall determine if additional

1 interventions, including monitoring, will positively affect the
2 student's behavior. Juvenile probation services may call a
3 meeting to review interventions for an excessively absent
4 student at any time; provided that if juvenile probation
5 services determines that a student who is subject to a
6 delinquency complaint or petition or who is alleged to be a
7 serious youthful offender is also an excessively absent
8 student, juvenile probation services shall immediately schedule
9 a meeting to review interventions, which shall be held within
10 five business days.

11 D. For a chronically absent student who is subject
12 to a delinquency complaint, juvenile probation services shall
13 schedule a meeting to determine interventions for the student.
14 Juvenile probation services shall schedule the meeting
15 immediately upon determining that the student is chronically
16 absent. The meeting shall be held within ten business days
17 from the date the meeting is scheduled and shall involve the
18 child, the child's parents, the school principal or head
19 administrator and any other school personnel or service
20 providers deemed necessary by juvenile probation services.
21 Juvenile probation services may call a meeting to review
22 interventions for a chronically absent student at any time.

23 E. In addition to these interventions or any other
24 disposition, the children's court may order the suspension of
25 an excessively absent student's driving privileges for a

1 specified time not to exceed ninety days for a first finding of
2 excessive absenteeism or for a specified time not to exceed one
3 year for a second or subsequent finding of excessive
4 absenteeism.

5 F. It is a violation of the Attendance for Success
6 Act for a parent of an excessively absent student to cause or
7 allow the student to continue to be absent from school after
8 the student is reported to juvenile probation services pursuant
9 to the provisions of Subsection B of this section. After
10 consultation with the local superintendent or head
11 administrator of the charter school or private school, the
12 local school board or governing body of the charter school or
13 private school shall refer the parent to the local district
14 attorney for prosecution.

15 G. A parent in violation of the Attendance for
16 Success Act as provided in Subsection F of this section is
17 guilty of a petty misdemeanor. Upon a first conviction, the
18 parent shall be subject to a fine of not less than fifty
19 dollars (\$50.00) and not more than one hundred dollars (\$100)
20 or community service in lieu of the fine. Upon a second or
21 subsequent conviction, the parent shall be subject to a fine of
22 not more than five hundred dollars (\$500), imprisonment for a
23 definite term not to exceed six months or both."

24 **SECTION 4.** Section 32A-2-7 NMSA 1978 (being Laws 1993,
25 Chapter 77, Section 36, as amended) is amended to read:

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1 "32A-2-7. COMPLAINTS--REFERRAL--PRELIMINARY INQUIRY--
2 NOTICE--TIME WAIVER.--

3 A. ~~[Complaints]~~ A complaint alleging delinquency
4 shall be referred to probation services, which shall conduct a
5 preliminary inquiry to determine the best interests of the
6 child and of the public ~~[with regard to any action to be taken]~~
7 and to recommend an appropriate disposition for the case. A
8 preliminary inquiry shall include a review of the child's
9 school attendance. If the child is chronically or excessively
10 absent from school as provided in the Attendance for Success
11 Act, probation services shall call a meeting pursuant to
12 Section 22-12A-12 NMSA 1978 to initiate or review
13 interventions. Probation services shall call a meeting to
14 initiate or review interventions for a chronically or
15 excessively absent child regardless of the delinquent act
16 alleged in the complaint and of probation services' recommended
17 disposition for the case.

18 B. During the preliminary inquiry on a delinquency
19 complaint, the matter may be referred to another appropriate
20 agency and conferences may be conducted for the purpose of
21 effecting adjustments or agreements that will obviate the
22 necessity for filing a petition. At the commencement of the
23 preliminary inquiry, the parties shall be advised of their
24 basic rights pursuant to Section 32A-2-14 NMSA 1978, and no
25 party may be compelled to appear at any conference, to produce

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1 any papers or to visit any place. The child shall be informed
2 of the child's right to remain silent. The preliminary inquiry
3 shall be completed within the time limits set forth in the
4 Children's Court Rules.

5 C. Prior to a preliminary inquiry being conducted
6 with a child who is detained, the child's parent, guardian or
7 custodian or the child's attorney shall be given reasonable
8 notice by the juvenile probation and parole officer and an
9 opportunity to be present at the preliminary inquiry. If a
10 child is not detained, the preliminary inquiry shall be
11 conducted within thirty days of receipt of the referral from
12 law enforcement. The thirty-day time period may be extended
13 upon a determination by the department that an extension is
14 necessary to conduct a thorough preliminary inquiry and that
15 the extension is not prejudicial to the best interests of the
16 child.

17 D. When a child is in detention or custody and the
18 children's court attorney does not file a petition within the
19 time limits authorized by the Children's Court Rules, the child
20 shall be released immediately. If a child is not detained and
21 a determination is made to file a petition, the petition shall
22 be filed within sixty days of completion of the preliminary
23 inquiry, unless a motion is granted to extend the time limit
24 for good cause shown. If a child is not in custody or
25 detention, a petition shall not be dismissed for failure to

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1 comply with the time limit set forth in this subsection unless
2 there is a showing of prejudice to the child.

3 E. After completion of the preliminary inquiry on a
4 delinquency complaint involving a misdemeanor, probation
5 services may notify the children's court attorney and recommend
6 an appropriate disposition for the case. If the child has been
7 referred for three or more prior misdemeanors within two years
8 of the instant offense, probation services shall notify the
9 children's court attorney and recommend an appropriate
10 disposition for the case, and if the child is chronically or
11 excessively absent from school, probation services shall give
12 notice of the child's absenteeism to the children's court
13 attorney.

14 F. Probation services shall notify the children's
15 court attorney of the receipt of any complaint involving an act
16 that constitutes a felony under the applicable criminal law.
17 Probation services shall also recommend a disposition to the
18 children's court attorney, and if the child is chronically or
19 excessively absent from school, probation services shall give
20 notice of the child's absenteeism to the children's court
21 attorney.

22 G. The child, through counsel, and the children's
23 court attorney may agree, without judicial approval, to a
24 waiver of time limitations imposed after a petition is filed.
25 A time waiver defers adjudication of the charges. The

1 children's court attorney may place restrictions on a child's
2 behavior as a condition of a time waiver. If the child
3 completes the agreed upon conditions and no new charges are
4 filed against the child, the pending petition shall be
5 dismissed. If the children's court attorney files a new
6 petition against the child, the children's court attorney may
7 proceed on both the original petition and the new charges. The
8 department shall become a party if probation services are
9 requested as a condition of the time waiver.

10 H. In addition to proceeding with the appropriate
11 disposition of a child's case, if the children's court attorney
12 received notice that the child is chronically or excessively
13 absent from school pursuant to Subsections E and F of this
14 section, the children's court attorney shall determine if the
15 child's family is a family in need of court-ordered services.
16 If the child's family is a family in need of court-ordered
17 services, the children's court attorney shall file a petition
18 in accordance with the Family in Need of Court-Ordered Services
19 Act."

20 SECTION 5. Section 32A-3B-2 NMSA 1978 (being Laws 1993,
21 Chapter 77, Section 74, as amended) is amended to read:

22 "32A-3B-2. ~~[DEFINITIONS]~~ DEFINITION.--As used in Chapter
23 32A, Article 3B NMSA 1978, "family in need of court-ordered
24 services" means ~~[the child or the family]~~ a family that has
25 refused family services, ~~[or]~~ whose child who has refused

1 family services or for whom the department has exhausted
2 appropriate and available family services and court
3 intervention is necessary to provide family services to the
4 child or family and: ~~[it is a family]~~

5 A. whose child ~~[subject to compulsory school~~
6 ~~attendance, is absent from school without an authorized excuse~~
7 ~~more than ten days during a school year]~~ is chronically or
8 excessively absent from school as provided in the Attendance
9 for Success Act;

10 B. whose child is absent from the child's place of
11 residence for a time period of twelve hours or more without
12 consent of the child's parent, guardian or custodian;

13 C. whose child refuses to return home and there is
14 good cause to believe that the child will run away from home if
15 forced to return to the parent, guardian or custodian;

16 D. in which the child's parent, guardian or
17 custodian refuses to allow the child to return home and a
18 petition alleging neglect of the child is not in the child's
19 best interests; or

20 E. whose child is:

21 (1) alleged to be engaged in an act that would
22 be designated as prostitution if committed by an adult; or

23 (2) a victim of human trafficking as defined
24 in Section 30-52-1 NMSA 1978."

25 SECTION 6. Section 32A-3B-11 NMSA 1978 (being Laws 1993,

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Chapter 77, Section 83) is amended to read:

"32A-3B-11. PETITION--ALLEGATIONS.--

A. A petition to initiate a proceeding regarding an alleged family in need of court-ordered services shall include the following allegations:

(1) that the child or the family are in need of court-ordered family services;

(2) that the child and the family participated in or refused to participate in a plan for family services and that the department has exhausted appropriate and available services; and

(3) that court intervention is necessary to assist the department in providing necessary services to the child and the family.

B. In addition to the allegations required pursuant to the provisions of Subsection A of this section, a petition that alleges a child's chronic or excessive absence from school shall be accompanied by an affidavit filed by a school official ~~[in accordance with the provisions of Section 32-3A-3 NMSA 1978]~~ or a juvenile probation services officer."