

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: _____ *Check all that apply:*
Bill Number: HB218 Original Correction
 Amendment Substitute

Sponsor: <u>L Terrazas, G Ramos</u>	Agency Name and Code <u>CYFD - 690</u>
Short Title: <u>Attendance for Success Act Enforcement</u>	Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		80.0 – 1,600.0	80.0 – 1,600.0	240.0 – 4,800.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill amends the Attendance for Success Act 22-12A-12 to expand the existing mechanisms to address excessive school absenteeism. If a student continues to have absences (whether excused or unexcused) after the school's interventions have proven unsuccessful and the school has notified the family of the excessive absenteeism, the bill then requires the school to refer the excessively absent students to the juvenile probation services office. It requires the juvenile probation services office to investigate whether the child is a neglected child or the child's family is in need of family services due to the excessive absenteeism. It authorizes expanded court-ordered interventions for excessively absent students, including temporary suspension of a student's driving privileges for a period of up to ninety days for a first finding of excessive absenteeism, and up to one year for second and subsequent findings. Finally, the bill creates accountability for parents who continue to allow excessive absenteeism after referral by allowing them to be referred to the district attorney's office and convicted of a petty misdemeanor with escalating fines and potential jail time for repeated offenses.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill.

Current juvenile justice services staffing levels are insufficient to absorb a substantial increase in referrals. CYFD Juvenile Justice Services estimates that up to 20 FTE will be needed to address increased workload demands (\$80.0 average per FTE). Additional office space may also be necessary to accommodate the expansion in staff.

SIGNIFICANT ISSUES

In FY2025, absentee referrals made up 7% of the total juvenile justice referrals, the second most common referral category, totaling 827 referrals. The referral volume varies by school district, as not all districts implement the Attendance for Success Act in a consistent manner. The proposed changes, combined with increased participation by school districts, may result in an increase in absenteeism referrals to juvenile probation services.

The bill conflicts with CYFD policy and practice and conflates the role of the divisions, as it requires "the juvenile probation services office to investigate whether the student is a neglected child." However, juvenile probation officers do not conduct abuse or neglect investigations under the Children's Code and concerns for abuse or neglect must be referred to CYFD's Statewide Central Intake for screening and possible referral to CYFD's Protective Services Division, which is the appropriate conducts abuse and neglect investigations. Under 32A-25 NMSA 1978, juvenile probation officers (JPOs) are established to carry out probation and parole functions within the juvenile justice system and do not have investigative authority over abuse or neglect determinations. Assigning JPOs this investigative role would expand their duties beyond what is contemplated in the Children's Code and cause duplication with Protective Services. The requirement for JPOs to conduct child protective services investigations would require retraining.

Requiring all excessive absenteeism referrals to be made to CYFD Juvenile Justice Division, as opposed to CYFD's SCI line and Protective Services Division, does not take into consideration the age of the student or reason for excessive absenteeism and is unduly burdensome on the Juvenile Justice Division. Currently, when the juvenile services office receives a referral for school

absenteeism for an elementary-aged student or if the circumstances indicate that the excessive absenteeism is caused by the parent's action or failure to act instead of by the student, it is referred to SCI and possibly screened forward to CYFD Protective Services.

Section 1(C) on page 3, line 13 authorizes the children's court to suspend an excessively absent student's driving privileges for a specified period. The bill does not specify the mechanism by which the children's court obtains jurisdiction over the matter or the entity responsible for initiating court involvement. The inclusion of this type of enforcement mechanism, which could only be utilized against older students, highlights the fact that this excessive absenteeism reporting process is targeted toward older students and not students of all ages—and that the Juvenile Justice Division is not the appropriate entity to receive all excessive absenteeism reports.

Section 1(D) on pages 3–4, line 20 provides that a parent may be referred for prosecution if a student continues to be excessively absent after the student is reported to juvenile probation services. The bill authorizes school districts to refer the parent directly to the district attorney following consultation with school leadership. The bill requires that a report be made to juvenile probation services prior to referral but does not specify whether intervention efforts must occur before a referral for prosecution is made.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning the timely initiation and completion of preliminary investigations into delinquency referrals which will be affected by the requirement to complete child protective services investigations in addition to standard preliminary inquiries.

ADMINISTRATIVE IMPLICATIONS

CYFD cannot absorb the administrative implications of expanding the staff required to take abuse/neglect investigation training to include all juvenile probation officers without existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to HB219.

This bill conflicts with SB105, which amends the Attendance for Success Act 22-12A-2 and 22-12A-9 by modifying the definition of “excused absence” to an absence that is “allowable” pursuant to certain circumstances set out in the bill and clarifying that excused absences shall not be considered in calculating whether a student is excessively absent. However, this bill requires a school to notify CYFD if a student has continued absences, whether excused or not, after a written notice to the student and family of excessive absenteeism.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

Neither the Children's Code nor the Attendance for Success Act defines “educational neglect” or provides guidance on how many absences constitute neglect, which makes it different for CYFD, whether Juvenile Justice or Protective Services, to determine whether a student has been excessively absent due to neglect.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

CYFD proposes adding a definition of “educational neglect” or establishing a threshold for when excessive absenteeism is neglect. CYFD also proposes amending the entity within CYFD to whom excessive absenteeism is reported and changed it from the juvenile probation services office to CYFD Statewide Central Intake or Protective Services Division.