

LFC Requester:	
----------------	--

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: SB105 Original Correction
 Amendment Substitute

Sponsor: Pope **Agency Name and Code** CYFD - 690
Short Title: Attendance For Success & Excused Absences **Number:** _____
Person Writing Kathleen Hardy
Phone: 505-660-8508 **Email** Kathleen.hardy@cyfd.nm.gov

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						

(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 to:

- Add a definition for “absence”;
- Change the definition of “excused absence”;
- Removes the definition of “medical absence”, and relocates that language elsewhere within the Act;
- Removes the language concerning the “policies of the local school board” from the definitions of “excused absence” and “unexcused absence”;
- Require the Public Education Department to develop and publish written guidance for school districts regarding compliance with the Act and guidance on absences;
- Clarify other types of absences that are allowable (e.g., medical, pregnancy or parenting, religious instruction);
- Establish that absences for students with disabilities under the federal Individuals with Disabilities Education Act (IDEA), as per the accommodations in their Individualized Education Program (IEP) or 504 Plan, are allowable absences;
- Establishes that students are permitted to time to make up work resulting from allowable absences; and
- Clarifies that allowable absences cannot be counted toward whether a student is excessively absent.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. There is no fiscal impact to CYFD.

SIGNIFICANT ISSUES

This bill ensures that policies on absences for the public schools will be uniform throughout the state, rather than varying from district to district. A similar uniformity is already required of private schools. The uniform requirements for the public schools include:

- Students with established independent education plans are entitled to excused absences in accordance with their plans and their accommodations;
- Students who are absent for allowable reasons must be provided the time to make up any schoolwork missed during the absence; and
- Allowable absences cannot be considered in the calculation for excessive absences for the purpose of enforcement.

This bill is supportive of students in foster care, many of whom have medical issues or a disability and receive special education services or other external services to support their development and well-being. The bill allows students to be absent for documented medical reasons or for reasons related to their disability, such as medical appointments, therapy, and testing, without them losing the ability to make up their work or having the absences counted against them or the school district. This bill recognizes that education is one of many necessary components for vulnerable children and helps them balance both school attendance and medical or disability-related needs without penalty.

CYFD regularly receives referrals related to educational neglect which, upon investigation, are

related to reasons which under this bill would be allowable absences. A reduction of referrals for these reasons would allow CYFD to focus resources elsewhere, while at the same time removing a source of stress for families and students who find themselves facing allegations of educational neglect for no other reason than taking active steps to ensure their child's health.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning the safety and stability of children, including stability of educational placement, which this bill will support.

ADMINISTRATIVE IMPLICATIONS

None for CYFD.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.