



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 26 2026

Bill No: SB105

Committee Referrals: SEC/SHPAC

Agency Name and Code: PED - 924

Sponsor: Pope

PED Lead Analyst: Thomas Cloward

ATTENDANCE FOR

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Short SUCCESS & EXCUSED

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Title: ABSENCES

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
\$6,200.0	\$6,200.0	Nonrecurring	GRO

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	N/A	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: The FY27 Legislative Finance Committee budget recommendation includes \$6.2 million for attendance improvement initiatives that was appropriated from the government results and opportunity (GRO) fund in 2025 for FY26, FY27, and FY28.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: Senate Bill 105 (SB105) would amend the [Attendance for Success Act](#) (AfSA) by expanding the reasons for which students are allowed to be absent from school, including medical and disability. Per SB105:

- a student with a disability, pursuant to the federal Individuals with Disabilities Education Act, may be absent from school as provided in the student's individualized education program (IEP); and
- a student may otherwise be absent from school if the absence is supported by an accommodation made pursuant to Section 504 of the federal Rehabilitation Act of 1973, the federal Americans with Disabilities Act of 1990, or the Human Rights Act.

Per SB105, excused absences – including a death in the family, medical reasons, religious instruction, or tribal obligations – and unexcused absences would be pursuant to AfSA, and no longer pursuant to local school board policies.

This bill is endorsed by the Legislative Education Study Committee.

### **FISCAL IMPLICATIONS**

None.

### **SIGNIFICANT ISSUES**

The bill would prohibit an absence for medical or disability reasons to be considered in determining whether a student is excessively absent for the purposes of enforcement, as provided in [Section 22-12A-12 NMSA 1978](#), which requires excessively absent students be reported to the probation services office of the judicial district in which the student resides.

The bill would require that students absent from school for medical or disability reasons be provided time to make up the school work they missed during the absence.

In the [2024-2025 school year](#), students with disabilities had a chronic absenteeism rate of 34.8 percent, and Native American students had a rate of 37.3 percent. This is compared to the statewide chronic absenteeism rate of 29.7 percent. Chronic absenteeism is measured as the percentage of students who miss between 10 and 20 percent of their classes or school days for any reason.

The bill provides broad authority to an IEP team and school to allow absences through a student's IEP. This authority, if misused, could allow schools to avoid providing required services to students with disabilities by allowing parents to pursue private services that a student should be provided by their school. The drafter may wish to consider limitations on this authority or to require the PED to promulgate rules, rather than guidelines, to clarify the scope of this authority.

## **PERFORMANCE IMPLICATIONS**

A student group that may see performance implications through the bill is students with disabilities. Providing students with disabilities the opportunity to miss school with allowable absences as determined necessary by the student's IEP team, which includes a student's parents, gives them the opportunity to receive health care outside of school while not being punished for their absences through the Attendance for Success Act. In a similar way, when students who have severe health conditions are allowed to miss school to receive needed healthcare without the pressure to return early due to limited excused absences, they are later able to return to school with [greater motivation and ability to learn](#).

Another group that may see performance implications through the bill is Native American students. When schools demonstrate awareness of Indigenous culture and foster an environment that is respectful of it, parents of Native American students [feel more encouraged to be involved in their student's education](#) and students feel [supported in their sense of belonging and academic performance](#). Designating student absences for tribal obligations as allowable could indicate to parents and students that their cultural identities are respected and supported and could lead to improved levels of engagement and academic outcomes.

## **ADMINISTRATIVE IMPLICATIONS**

PED would be required to develop and publish guidance for school districts on how to implement the Attendance for Success Act, including guidance on allowable absences provided for in [Section 22-12A-9 NMSA 1978](#), which addresses permissions for students to be excused for parent- or doctor-authorized medical reasons.

The bill provides broad authority to an IEP team and school to allow absences through a student's IEP. The drafter may wish to consider requiring PED to promulgate rules, rather than develop guidelines, to clarify the scope of this authority.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

The bill provides broad authority to an IEP team and school to allow absences through a student's IEP. The drafter may wish to consider requiring PED to promulgate rules, rather than develop guidelines, to clarify the scope of this authority.