

HOUSE BILL 218

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

INTRODUCED BY

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10 | AN ACT

11 RELATING TO SCHOOLS; AMENDING THE ATTENDANCE FOR SUCCESS ACT;
12 ENHANCING AND EXPANDING ENFORCEMENT PROVISIONS TO REDUCE
13 EXCESSIVE ABSENTEEISM; MAKING IT A CRIME FOR A PARENT OF AN
14 EXCESSIVELY ABSENT STUDENT TO CAUSE OR ALLOW THE STUDENT TO
15 CONTINUE TO BE ABSENT FROM SCHOOL AFTER A REPORT IS MADE TO THE
16 JUVENILE PROBATION SERVICES OFFICE; PRESCRIBING PENALTIES;
17 MAKING CONFORMING AMENDMENTS.

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

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

"22-12A-12. EXCESSIVE ABSENTEEISM--ENFORCEMENT.--

A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Attendance for Success Act.

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1 for excessively absent students.

2 B. If [~~unexcused~~] absences continue after written
3 notice of excessive absenteeism as provided in Section [~~11 of~~
4 ~~the Attendance for Success Act~~] 22-12A-11 NMSA 1978, the local
5 school board or governing body of a charter school or private
6 school, after consultation with the local superintendent or
7 head administrator of a charter school or private school, shall
8 report the excessively absent student to the juvenile probation
9 services office of the judicial district in which the student
10 resides. [~~for an investigation as to~~] Upon receiving a report,
11 the juvenile probation services office shall investigate
12 whether the student [~~should be considered to be~~] is a neglected
13 child or a child in a family in need of family services because
14 of excessive absenteeism and [~~thus~~] subject to [~~the provisions~~
15 ~~of~~] the Children's Code. The local superintendent or head
16 administrator of a charter school or private school shall
17 provide the record of the [public] school's interventions and
18 the student's and parent's responses to the interventions
19 [shall be provided] to the juvenile probation services office
20 [~~The local superintendent or head administrator of a charter~~
21 ~~school or private school shall provide the documentation to the~~
22 ~~juvenile probation services office~~] within ten [~~business~~]
23 school days of the student being identified as excessively
24 absent.

25 C. If the juvenile probation services office

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1 determines that the student is a child in a family in need of
2 family services, a caseworker from the [child or family in need
3 of family services program] children, youth and families
4 department shall meet with the family at the [public school in
5 which the student is enrolled] student's school to determine if
6 [there are] other intervention services [that] may be provided.
7 The meeting shall involve the school principal or other school
8 personnel and, unless the parent objects in writing,
9 appropriate community partners that provide services to
10 children and families. The children, youth and families
11 department shall determine if additional interventions,
12 including monitoring, will positively affect the student's
13 behavior. In addition to these interventions or any other
14 disposition, the children's court may order the suspension of
15 an excessively absent student's driving privileges for a
16 specified time not to exceed ninety days for a first finding of
17 excessive absenteeism or for a specified time not to exceed one
18 year for a second or subsequent finding of excessive
19 absenteeism.

20 D. It is a violation of the Attendance for Success
21 Act for a parent of an excessively absent student to cause or
22 allow the student to continue to be absent from school after
23 the student is reported to the juvenile probation services
24 office pursuant to the provisions of Subsection B of this
25 section. After consultation with the local superintendent or

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head administrator of the charter school or private school, the local school board or governing body of the charter school or private school shall refer the parent to the local district attorney for prosecution.

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

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