

1 HOUSE BILL 432  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Luis M. Terrazas and Andrea Reeb and Cathrynn N. Brown  
5 and Nicole Chavez and Jonathan A. Henry  
6  
7  
8  
9

10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ENHANCING AND EXPANDING ENFORCEMENT  
12 PROVISIONS TO REDUCE EXCESSIVE ABSENTEEISM; MAKING IT A CRIME  
13 FOR A PARENT OF AN EXCESSIVELY ABSENT STUDENT TO ALLOW THAT  
14 STUDENT TO CONTINUE BEING ABSENT FROM SCHOOL; PROVIDING  
15 PENALTIES.  
16

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

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

20 "22-12A-12. EXCESSIVE ABSENTEEISM--ENFORCEMENT--CRIME FOR  
21 PARENT TO ALLOW CONTINUED ABSENCES--PENALTIES.--

22 A. Each local school board and each governing body  
23 of a charter school or private school shall initiate the  
24 enforcement of the provisions of the Attendance for Success Act  
25 for excessively absent students.

.229028.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           B. If [~~unexcused~~] absences continue after written  
2 notice of excessive absenteeism as provided in Section [~~11 of~~  
3 ~~the Attendance for Success Act~~] 22-12A-11 NMSA 1978, the local  
4 school board or governing body of a charter school or private  
5 school, after consultation with the local superintendent or  
6 head administrator of a charter school or private school, shall  
7 report the excessively absent student to the juvenile probation  
8 services office of the judicial district in which the student  
9 resides for an investigation as to whether the student should  
10 be considered to be a neglected child or a child in a family in  
11 need of family services because of excessive absenteeism and,  
12 thus, subject to the provisions of the Children's Code. The  
13 record of the public school's interventions and the student's  
14 and parent's responses to the interventions shall be provided  
15 to the juvenile probation services office. The local  
16 superintendent or head administrator of a charter school or  
17 private school shall provide the documentation to the juvenile  
18 probation services office within ten business days of the  
19 student being identified as excessively absent. In addition to  
20 any other disposition, the children's court may order that an  
21 excessively absent student's driving privileges be suspended  
22 for a specified time not to exceed ninety days on the first  
23 finding of excessive absenteeism and not to exceed one year for  
24 a subsequent finding of excessive absenteeism.

25           C. If the juvenile probation services office

.229028.2

underscored material = new  
[bracketed material] = delete

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 shall meet with the family at the  
4 public school in which the student is enrolled to determine if  
5 there are other intervention services that may be provided.

6 The meeting shall involve the school principal or other school  
7 personnel and, unless the parent objects in writing,  
8 appropriate community partners that provide services to  
9 children and families. The children, youth and families  
10 department shall determine if additional interventions,  
11 including monitoring, will positively affect the student's  
12 behavior.

13 D. It is a violation of the Attendance for Success  
14 Act for a parent of an excessively absent student to cause or  
15 allow that student to continue to be absent from school. The  
16 local school board or governing body of the charter school or  
17 private school that the student attends shall, after  
18 consultation with the local superintendent or head  
19 administrator of the charter school or private school that the  
20 excessively absent student attends, refer the parent of that  
21 student to the local office of the district attorney for  
22 prosecution if that student continues to be absent after having  
23 been referred to the juvenile probation services office as  
24 provided in Subsection B of this section.

25 E. If a parent who is referred to the local office

.229028.2

underscoring material = new  
~~[bracketed material] = delete~~

1 of the district attorney for prosecution pursuant to Subsection  
2 D of this section is found to have caused or allowed that  
3 parent's excessively absent student to continue to be absent  
4 from school, the parent is guilty of a petty misdemeanor. Upon  
5 the first conviction, the parent shall be subject to a fine of  
6 not less than fifty dollars (\$50.00) or more than one hundred  
7 dollars (\$100), or the parent may be ordered to perform  
8 community service. Upon a second or subsequent conviction, the  
9 parent is guilty of a petty misdemeanor and subject to a fine  
10 of not more than five hundred dollars (\$500) or imprisonment  
11 for a definite term not to exceed six months, or both."

12 - 4 -  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25