

Analyst: Sunny Liu

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: 2/20/2025

Bill Number: HB432

Sponsor: Luis M. Terrazas

Andrea Reeb

Cathrynn N. Brown

Nicole Chavez

Jonathan A. Henry

Short Title: Student Absences and Crime For Parents

Agency Name and Code Number: NM Indian Affairs Dept 60900

Person Writing: Amanda Nezzie

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Section II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(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 proposes measures to address excessive absenteeism in public schools by expanding enforcement measures and outlining consequences for continued unexcused absences. The bill requires local school boards and the governing bodies of charter and private schools to implement the Attendance for Success Act for students with excessive absences.

If unexcused absences persist after written notice, schools must refer the student to juvenile probation services for further assessment. The bill also includes provisions for potential legal consequences for parents or guardians if a student's excessive absences continue. For a first offense, parents may face a fine of up to \$500 or be required to complete community service. If excessive absenteeism persists and a second offense occurs, penalties increase, with fines reaching up to \$1,000 and the possibility of up to six months of imprisonment. Subsequent offenses may result in further increased penalties, including higher fines and longer jail sentences.

Additionally, the children's court may suspend the driving privileges of students with excessive absences for a specified period, with longer suspensions for repeated violations.

FISCAL IMPLICATIONS

There are no appropriations in this bill; as a result, there is no fiscal impact to the New Mexico Indian Affairs Department.

SIGNIFICANT ISSUES

This bill will likely disproportionately impact students and families of lower socioeconomic status, which may include Native American students (IAD defers to PED Indian Education Division on Native American student data in public schools). The bill requires that if a student is habitually absent, they could face losing their driving privileges. The bill also requires that if a student is habitually absent, the student's parent may be prosecuted, facing fines up to \$500 or imprisonment.

While such actions may have good intentions of ensuring student attendance, the bill fails to recognize the hardship, or any extenuating circumstances, families may face. It is possible that

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there are students who must be able to drive to assist their families/parents for various reasons, including financial hardship. Additionally, the bill fails to recognize that parents may be making efforts to ensure their students attend school or believe their student is attending school, but then parents are faced with criminal charges when their students fail to attend, perhaps unbeknownst to them.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

Rather than enacting legislation that will likely disproportionately impact students and families from a lower socioeconomic status, IAD recommends looking at alternative methods, such as offering services to these families, as noted under NMSA 1978, Section 32A-3B-1 *et seq.*

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS