

LFC Requester:

Sunny Liu

AGENCY BILL ANALYSIS - 2025 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: 2/19/25 *Check all that apply:*
Bill Number: HB432 Original X Correction
Amendment Substitute

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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

HB432 proposes expanding enforcement provisions to reduce excessive absenteeism, making it a crime for a parent of an excessively absent student to cause or to allow the student to continue to be absent from school, and providing penalties.

HB432 amends NMSA 1978 Section 22-12A-11 , to add a provision to allow the children's court to order that an excessively absent student's driving privileges be suspended for a specified time not to exceed ninety days on the first finding of excessive absenteeism and not to exceed one year for a subsequent finding of excessive absenteeism.

The bill further requires the local school board or governing body of the charter school or private school that the student attends to refer the parent of that student to the local office of the district attorney for prosecution if that student continues to be absent from school after having been referred to the juvenile probation services office.

If a parent who is referred to the local office of the district attorney for prosecution is found to have caused or allowed that parent's excessively absent student to continue to be absent from school, the parent is guilty of a petty misdemeanor. HB432 provides penalties including fines, community service, petty misdemeanor, and/or imprisonment (in the case of a second conviction) that may be imposed against the parent.

FISCAL IMPLICATIONS

No Fiscal Implications identified for ECECD.

SIGNIFICANT ISSUES

Though the Attendance for Success Act applies to public schools, ECECD is responsible for administering the NM PreK programs that are conducted in public schools. HB432 and the Attendance for Success Act applies to “school-aged children,” but does not define whether children attending New Mexico PreK in a public-school setting are “school-aged” and therefore subject to the requirements of the Attendance for Success Act.

HB432 also expands the applicability of the Act to all absences, not just unexcused absences. Removing the word “unexcused” would allow the local school board or governing body to refer excessively absent students to juvenile probation regardless of whether absences are excuses or unexcused.

Additionally, adding criminal consequences to the Attendance for Success Act for parents may not be appropriate, as if a parent were convicted twice and faced imprisonment, then it is likely that

children will face additional barriers to consistent school attendance, as parents who are responsible for transporting that student to school would be incarcerated..

Imposing criminal penalties also presents issues as the language proposed by HB432 provides little guidance as to what is meant by “found to have caused” or “allowed” the child to be absent from school.

Additionally, as language in HB432 mandates that a local school board or governing body of a charter or private school refers the parent of the student to the local District Attorney’s office, schools will not have the discretion to refer the parent when the school deems it appropriate based on the individual family’s circumstances.

HB432 does not describe which parent may be referred to the local office of the district attorney for prosecution. In cases where a student may have two parents, HB432 does not address whether both parents, or which parent would be referred to the District Attorney’s office for prosecution.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL AMENDMENTS