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HOUSE BILL 132

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Luis M. Terrazas and James G. Townsend and Tanya Mirabal Moya
and Brian G. Baca

AN ACT

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

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--CRIME FOR
PARENT TO ALLOW CONTINUED ABSENCES--PENALTIES.--

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
for excessively absent students.

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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

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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 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

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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."

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