



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/19 /25

Bill No: HB432

Agency Name and Code: PED - 924

Sponsor: Terrazas/Reeb/Brown/Chavez/Henry

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**Short Title:** STUDENT ABSENCES & CRIME FOR PARENTS

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: The [House Appropriations and Finance Committee Substitute for House Bill 2](#) as amended by the House Appropriation and Finance Committee contains an appropriation of \$6.2 million for attendance initiatives to reduce chronic absenteeism, \$200 thousand of which may be used by the Public Education Department (PED) to conduct a randomized controlled trial to evaluate and monitor outcomes of evidence-based programs to reduce excessive absenteeism. The appropriation is

contingent upon passage of Senate Bill 201, Public Ed. Reform Fund Uses, or similar legislation.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 432 (HB432) would amend the [Attendance for Success Act](#) (AfSA) to apply penalties to students who are chronically absent as well as their parents. The local school board or governing body of the charter or private school that the student attends, in consultation with the local superintendent or head administrator, may refer such parents to parent to the district attorney's office for prosecution, but only if that student continues to be absent following a previous referral of the student to the juvenile probation services office.

If the parent is found to have caused or allowed continued absenteeism, the parent would be guilty of a petty misdemeanor. Upon first conviction, the parent would be subject to a fine between \$50 and \$100 or be ordered to perform community service. Upon subsequent convictions, the parent would be subject to a fine of no more than \$500 or imprisonment no greater than six months or both. The bill would also give the Children's Court the ability to suspend the driving privileges of excessively absent students for a specific time; no longer than 90 days for a first offense and no longer than one year following subsequent excessive absenteeism.

HB432 would have students referred to the juvenile probation office for excessive absenteeism for both excused and unexcused absences and would allow for the loss of driving privileges as a potential consequence for excessively absent students.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

#### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

There would likely be increased administrative and legal costs for public schools related to reporting excessive absences and collaborating with legal authorities to enforce the newly proposed provisions of the AfSA and decide when to proceed with prosecution.

#### **SIGNIFICANT ISSUES**

HB432 seeks to reintroduce more punitive enforcement measures into the AfSA, which was originally proposed and enacted to focus attendance efforts on research-based, restorative justice and other less punitive means of enforcement. For example, the language proposed to amend Subsection B of Section 22-12A-12 NMSA 1978 of the Act is lifted verbatim from Subsection C of Section 22-12-7 NMSA 1978 of the now-defunct Compulsory School Attendance Law, which was repealed in 2019 with the enactment of the AfSA: "In addition to any other disposition, the children's court may order the habitual truant's driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy." The limited research available indicates revocation of driving privileges has little affect upon student attendance or performance. [Research from the](#)

[Brookings Institute](#) suggests that punitive measures alone, such as revoking driving privileges, may not address the underlying causes of absenteeism and can sometimes exacerbate the problem.

Similarly, the language requiring referral to the district attorney and imposing fines upon parents of absent students is nearly identical to Subsection E of Section 22-12-7 NMSA 1978 of the old Compulsory School Attendance Law, except that the initial fine of \$50 required by the bill is twice that of what was imposed by the old compulsory attendance law.

The AfSA defines “excessive absenteeism” as a situation where a student is identified as needing intensive support and has not responded to intervention efforts implemented by the public school. “Intensive support” is defined as interventions for students who have missed twenty percent or more of classes or school days for any reason. Currently, students who are identified as needing intensive support shall have their parents contacted in writing by the attendance team to meet with the team and school principal, establish nonpunitive consequences at the school level, identify appropriate specialized support mechanisms, and inform the student and parent of further consequences of absenteeism. If absences continue after this written notice is given, then students may be referred to juvenile probation services for investigation.

Research indicates that punitive measures against parents for student absenteeism are not effective. For instance, a [study by Todd Rogers and Avi Feller from Harvard University](#) and the University of California, Berkeley, respectively, found that interventions targeting parents' misbeliefs about their children's absences were more effective in reducing absenteeism than punitive measures. The study involved personalized information treatments that corrected parents' biased beliefs, resulting in a significant reduction in chronic absenteeism.

Additionally, a [study published in the International Journal of Psychology and Educational Studies](#) highlighted that absenteeism negatively affects students' academic and social development, but punitive measures against parents do not address the root causes of absenteeism. Instead, the study suggests that early interventions, including early warning systems such as those provided for currently by the AfSA, and collaboration with stakeholders are more effective in reducing absenteeism.

Poverty has consistently been linked to chronic absenteeism among students and in a [comprehensive 2018 study from John Hopkins University](#), poverty, not locale, was found to be the driving factor for chronic absence. Similarly, in a study specifically examining the effects of monetary penalties on parents of excessively absent students conducted in Great Britain in the Social Sciences Research Network, found that the most disadvantaged socioeconomic groups were the most heavily impacted by fines and other monetary penalties. Furthermore, while there was a marginal decrease in absences following the implementation of the penalties, this effect disappeared after two years despite an increasing number of citations over time.

Parental imprisonment has been shown to have rather dramatic negative effects on child well-being that can last well into adulthood. A [2018 study in the journal \*The Future of Children\*](#) found that parental incarceration significantly affects four aspects of children's wellbeing: behavior, education, health, and hardship and deprivation. Moreover, it has detrimental consequences for all of these aspects. Studies have also examined the effects of parents separately. A [2024 study in the \*Children and Youth Services Review\*](#) found that early life exposure to maternal incarceration was associated with greater absenteeism with further adversities exacerbating this issue.

Chronic absenteeism is often driven by multiple interconnected factors, including student disengagement, lack of access to support services, and health challenges. Addressing these root causes through supportive interventions and early engagement is generally more effective in reducing absenteeism than punitive measures as would be required by HB432.

### **PERFORMANCE IMPLICATIONS**

With several studies emphasizing significant negative effects of parental incarceration, it is unlikely that penalizing parents of excessively absent students with incarceration would have a positive impact on attendance for these students. Rather, given that maternal incarceration and adversity in particular was found to increase absenteeism, it would likely only worsen the problem for these already challenged students.

Given the pivotal role that poverty plays in driving absenteeism among students across the country, fining parents may only exacerbate this issue by further destabilizing families that are likely already economically vulnerable.

### **ADMINISTRATIVE IMPLICATIONS**

None.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to [Senate Bill 396](#), Hispanic Student Education & Reporting, which proposes requiring the statewide education status report to include initiatives to increase school attendance and report on student achievement to improve educational outcomes for Hispanic students.

Additionally, relates to [House Bill 467](#), Multicultural Student Safety & Support, which proposes amending statutes pertaining to safety and support services for multicultural students alongside broadening aspects of discrimination to be subject to discipline.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

Current statute requires school boards to refer excessively absent students who continue to have unexcused absences to the juvenile probation office. HB432 would have excessively absent students referred to the juvenile probation office for both excused and unexcused absences. This will increase the number of referrals to the juvenile probation office. Student who are in the hospital, are at home with a communicable disease, or who are otherwise excused from school could be referred to the juvenile probation office.

### **ALTERNATIVES**

None.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

**AMENDMENTS**

None.