

# Truancy



## Lemuel L. Martinez

13th Judicial District Attorney

Serving: Cibola, Sandoval and Valencia Counties

### New Mexico Truancy Law

New Mexico requires parents to send children to school. A history of unexcused absences will result in criminal charges. New Mexico law requires that a parent or guardian must ensure that their minor child between the age of six (6) and seventeen (17) is in school the full time school is in session, unless otherwise legally excused pursuant to NMSA Compulsory School Attendance Law (22-12-1 to 22-12-7 NMSA 1978) Failure to comply with the law may result in:

- ◆ Fine
- ◆ Jail Sentence
- ◆ Both

**Habitual truant** refers to a student who has accumulated the equivalent of ten or more unexcused absences within a school year

**Truant** refers to a student who has accumulated five unexcused absences within any twenty day period.

**Unexcused absence** is an absence from school or a class for which the student does not have an allowable excuse pursuant to the Compulsory School Attendance Laws, rules of the local school board or the governing authority of a private school.

### **Early Identification:**

Under the Compulsory School Attendance Law, school districts are required to maintain an attendance policy that provides for the **early identification** of students with unexcused absences and truancy while requiring intervention strategies to truants and habitual truants in an educational setting.

### **Recommendations for a Written Protocol:**

**3 unexcused absences:** The family is contacted by the school. A Parent Absentee Notification is sent to the parents.

**5 unexcused absences:** The family will be contacted by the school. The teacher or a school administrator will arrange a meeting with the parent or legal guardian to address the matter. A Five Day Absentee Notification Form will be sent to the child's parent or legal guardian.

**7 unexcused absences:** The family will be contacted. The teacher or school administrator will arrange a second meeting with the parent or legal guardian. At the meeting, if a contract with the student and the parent have not been agreed to, then one shall be concerning the alleged child being a truant.

### **Enforcement of Attendance Laws**

- ◆ If unexcused absences continue after written notice of habitual truancy the student shall be reported to the probation services office. An investigation as to whether the student is a neglected child or a child in need of family services.
- ◆ If it is found that the habitual truancy by the student may have been caused by the parent, the matter will be referred to the District Attorney's office for prosecution.
- ◆ When referring habitual truancy students to the District Attorney's office for review, it is important that the school personnel submit a complete packet of attendance and interventions attempted by all school administrators for the possible prosecution of the child's parents.

The focus of the Compulsory Attendance Laws is to mandate schools to provide identification intervention, appropriate referrals and attendance records. It also provides a legal mechanism to convict parents who knowingly allow the student to continually violate a Compulsory Attendance Law. Compulsory Attendance statutes and Family in Need of Services statutes hold the individual child, particularly those of middle school and high school age responsible for their own actions.

## **Resources:**

### **Cibola County Law Enforcement:**

Cibola County Sheriff Office (505)876-2040  
Acoma Pueblo Police Department (505)552-6601  
Grants Police Department (505)287-5144  
Laguna Pueblo Police Department (505)552-6685  
Milan Police Department (505)287-4491  
Pine Hill – Ramah Navajo Police Department (505)775-3226  
New Mexico State Police (505)287-4377

### **Sandoval County Law Enforcement:**

Sandoval County Sheriff Office (505)867-7526  
Bernalillo Police Department (505)867-2304  
Cochiti Pueblo Police Department (505)465-3136  
Corrales Police Department (505)898-7585  
Cuba Police Department (505)289-9157  
Jemez Pueblo Police Department (575)834-0468  
Jemez Springs Police Department (575)829-3345  
Kewa Pueblo - B.I.A. Police (505)346-2868/2869  
Rio Rancho Police Department (505)891-5900  
Sandia Pueblo Police Department (505)890-1428  
San Felipe Pueblo – B.I.A. Police (505)346-2868/2869  
Santa Ana Pueblo Police Department (505)891-7226  
San Ysidro Police Department (575)834-7581  
New Mexico State Police (505)841-9256

### **Valencia County Law Enforcement:**

Valencia County Sheriff Department (505)865-9603  
Belen Police Department (505)864-6288  
Bosque Farms Police Department (505)869-2358  
Isleta Pueblo Police Department (505)869-6511  
Los Lunas Police Department (505)865-9130  
New Mexico State Police (505)841-9256

### **New Mexico State Law Enforcement**

New Mexico State Police: (505)-827-9300

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**Sandoval County:**

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(505) 867-2386

**Valencia County:**

101 S. Main Street #201  
Belen, New Mexico 87002  
(505) 861-0311