
Information about:

TRUANCY

New Mexico law 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 ages of six (6) and seventeen (17) is in school the entire 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:

- Fines
- Jail Sentence
- Both

Habitual Truant refers to a student who has accumulated five unexcused absences within a 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 early identification of students with unexcused absences and truancy while requiring intervention strategies to truant and habitual truants in an educational setting.

PROTOCOL

- 3 unexcused absences: The family is contacted by the school.
- 5 unexcused absences: The family is contacted by the school. 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 made concerning the alleged child being a truant.
- 7 unexcused absences: The family will be contacted. The teacher or school administrator will arrange a second meeting with the parent or legal guardian.

ENFORCEMENT OF ATTENDANCE LAWS

If unexcused absences continue after written notices and meetings addressing 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 intervention attempted by all school administrators for the possible prosecution of the child's parents.

The focus of the Compulsory Attendance Law is to mandate schools to provide timely identification and 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 and high school age responsible for their own actions.