

## Truancy

Truancy has long been an educational, social and juvenile justice issue of great importance. It has been linked to many behavioral problems in adolescence including school dropout, juvenile delinquency and many others. 13th District Attorney Lemuel Martinez is committed to combating truancy in New Mexico schools. He has worked in conjunction with local schools, P.T.A groups, parents and teachers to educate them on the process and procedures of successfully prosecuting parents under the Compulsory School Attendance Act. New Mexico Law requires parents to send their children to school.

**If found in violation of the Compulsory School Attendance Law, parents shall be guilty of a petty misdemeanor and subject to a fine or imprisonment or both.**



**13TH Judicial District Attorney  
Lemuel L. Martinez**

**Cibola County:**

515 High Street,  
Grants New Mexico 87020  
(505) 285-4627

**Sandoval County:**

1500 Idalia Road,  
Bernalillo, New Mexico 87004  
333 Rio Rancho Blvd. Ste 201,  
Rio Rancho, New Mexico 87124  
(505) 896-3952

**Valencia County:**

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

# A Guide to Truancy



**Lemuel L. Martinez**  
13th Judicial  
District Attorney

**Serving Cibola, Sandoval and  
Valencia Counties**

## 13th Judicial District Attorney Lemuel L. Martinez

Truancy is important to understand. Below are updated definitions related with Truancy laws.

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

B. **“Truant”** refers to a student who has accumulated five unexcused absences within any twenty day period; and

C. **“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 or rules of the local school board or the governing authority of a private school learning experience possible.

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:  
a Fine,  
a Possible Jail Sentence,  
or Both.**

### **Enforcement of Attendance Laws Truant- Five unexcused absences**

The School District shall contact, inform and discuss possible intervention.

The Parent shall sign a contract and sign off sheet.

**Habitual Truant- Ten unexcused absences. If the student continues to accumulate 5 or more unexcused absences they shall be reported to Juvenile Probation Office.** A investigation determining whether the child is neglected or the family is in need of service will then take place. If the child is determined to be a habitual truant the matter may be referred to the District Attorney’s office for possible prosecution of the child’s parent.

