

# REFORM TEXAS' HARMFUL TRUANCY LAWS

# HELPING STUDENTS SHOULDN'T REQUIRE A DATE IN ADULT COURT

## THE CURRENT LAW

### TEXAS STUDENTS WITH:

- 10** unexcused absences in six months
- or
- 3** unexcused absences in four weeks (at school's discretion)

**ARE SENT TO ADULT CRIMINAL COURTS.**



Students are charged with a misdemeanor for Failure to Attend School, which carries up to a \$500 fine plus court costs. Failure to comply can lead to

**ARREST AND INCARCERATION.**



**THESE COURTS LACK THE PROTECTIONS OF JUVENILE COURTS, SUCH AS APPOINTMENT OF COUNSEL.**



**ONLY ONE OTHER STATE** allows children to be sent to adult criminal court for truancy.

## TEXAS SCHOOLS RELY HEAVILY ON COURT INTERVENTION



Texas

**115,000**

Approximately 115,000 Failure to Attend School cases were filed against Texas students in 2013.

**THAT'S MORE THAN DOUBLE THE NUMBER OF TRUANCY CASES FILED IN ALL OTHER STATES COMBINED.<sup>1</sup>**



Many school districts attempt no meaningful interventions with truant students before referring them to court.

## THESE LAWS HURT STUDENTS

Truancy most often results from a combination of personal, family and school issues.

**MOST KIDS DO NOT SIMPLY SKIP SCHOOL.**



**COURTS LACK THE EXPERTISE AND ABILITY TO EFFECTIVELY ADDRESS THE UNDERLYING CAUSES OF TRUANCY.**

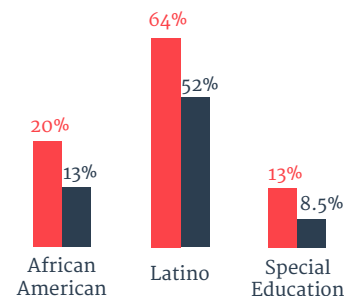
**RESEARCH SHOWS COURT INVOLVEMENT INCREASES A STUDENT'S LIKELIHOOD OF DROPPING OUT AND ENTERING THE JUVENILE JUSTICE SYSTEM.<sup>2</sup>**

**80%** of students sent to court for truancy are low income and least able to pay the fines imposed by the court.



African American, Latino, and special education students are disproportionately sent to court for truancy.

■ Reported Truancy Cases Filed  
■ Enrollment



## FORCED DROPOUT: AN UNACCEPTABLE RESPONSE TO TRUANCY

Texas law allows judges to order students who are 16 or older and charged with Failure to Attend School to drop out of school and take the GED.

### OVER A THREE YEAR PERIOD, 6,423 STUDENTS

who were ordered to drop out and take the GED, failed the test—a number likely to grow given overall declines in GED passage rates from about 74% in 2013 to 51% in 2014.



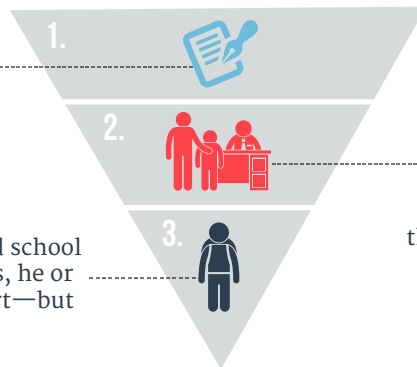
FORCING THESE STUDENTS TO DROP OUT TRANSLATED INTO AN ESTIMATED TOTAL COST TO THE STATE OF **NEARLY \$52 MILLION ANNUALLY.**<sup>3</sup>

## SUPPORT TRUANCY POLICIES THAT KEEP KIDS IN SCHOOL AND OUT OF COURT 🍎

### SCHOOLS SHOULD IMPLEMENT GRADUATED INTERVENTIONS

When a student accumulates unexcused absences, school-based interventions should be initiated, such as attendance improvement contracts and regular check-in meetings with students and parents.

If a student does not attend school despite these interventions, he or she may be referred to court—but only as a last resort.



If absences continue, interventions should intensify. This may include evaluating a student for special education services or disability accommodations, and/or referring the student to counseling, mentoring or substance abuse treatment.

### LEGISLATORS SHOULD:

END THE PRACTICE OF TREATING TRUANCY AS A CRIMINAL OFFENSE.

ENSURE COURT REFERRALS ARE DISCRETIONARY after ten absences. Schools should not be required to send a student to court after a certain number of absences.

Prohibit court referrals for students who have **ONLY THREE UNEXCUSED ABSENCES.**

Ensure unexcused absences trigger **MEANINGFUL, GRADUATED SCHOOL-BASED INTERVENTIONS,** with court referral used only as a last resort.

<sup>1</sup> Nat'l Ctr. for Juvenile Justice, Juvenile Court Statistics 2011 66 (2014).

<sup>2</sup> See, e.g., Coal. for Juvenile Justice, Nat'l Standards for the Care of Youth Charged with Status Offenses 24, 51-52 (2013); Gary Sweeten, Who Will Graduate? Disruption of High Sch. Educ. by Arrest & Court Involvement, 23 Justice Quarterly 477-79 (2006).

<sup>3</sup> Based on methodologies accounting for higher welfare costs, lost income and lost sales taxes due to lower earnings from The Bush Sch. of Gov't & Public Serv. at Texas A&M Univ., The ABCD's of Texas Educ.: Assessing the Benefits & Costs of Reducing the Dropout Rate 51-54 (2009).

Other data cited obtained from Texas Education Agency & Texas Office of Court Administration

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