

# **[2015 Session] Eliminate the Offense of Failure to Attend School and Implement Appropriate Tools to Treat the Symptoms that Contribute to Truancy**

## **Policy Background:**

In 1993, in an effort to alleviate juvenile court dockets of truancy cases, Texas lawmakers created a separate criminal school attendance offense, commonly known as “failure to attend school,” which is categorized as an **adult Class C misdemeanor** punishable under a municipal or justice of the peace court.

This policy change has resulted in a number of unintended consequences. Once issued a citation for failure to attend school, both students and parents are subject to a maximum fine (not including court costs) of \$500; this is a significant burden on indigent families, with ongoing legal and financial consequences for failure to pay all money owed. Another burden results from the requirement to appear in an adult court to resolve the citation, which may lead to students missing further school time and potentially having a permanent adult conviction on their record.

But a more significant problem with Texas’ current truancy system is its failure to address youths’ underlying needs. Truancy is often indicative of a larger problem. For instance, attending school likely seems trivial for youth who are the primary caregiver of younger siblings, cousins, or a disabled guardian; for youth who are homeless and without a dining room table on which to complete homework; for youth who are being abused at home or who fear that an abuser will find them at school; and for youth who are disabled and who constantly struggle with the hardships of that disability.

Texas policy-makers should decriminalize truancy and increase funding allocations for alternative methods (e.g., progressive sanctions) to effectively address the issues that impact youth attendance at school.

## **Key Facts:**

- Texas already has a mechanism that allows youth to be brought before a judge for persistent truancy. It is a non-criminal CINS (Conduct Indicating a Need for Supervision) offense, which serves as a flag for courts to indicate that the child

warrants rehabilitative assistance.

- According to Texas Appleseed, which has extensively examined Texas data on school misbehavior, “A high percentage of all Class C cases prosecuted against juveniles in municipal or justice courts are ‘failure to attend school’ cases. In Fiscal Year 2012, there were 64,997 cases filed in justice courts and 11,881 cases filed in municipal courts. These 76,000 cases make up just over one third of all Class C cases filed.

In addition, there are two specialized truancy courts (created through the Constitutional County Court system) – one in Dallas County and another in Fort Bend County – that do not report their data to the State. Dallas County’s data shows another 36,000 cases referred to that court system in 2012. We do not have data for the Fort Bend court.”[1]

- Penalties for truancy that withhold learning are counterproductive, leading to more time out of the classroom. Such punishments also fail to address the root causes of truancy and, instead, can impose even greater hardships, including financial penalties on families.[2]

Furthermore, an adult criminal record can impact a child’s ability to obtain employment, find housing, further their education, and even serve in the military.

### Relevant Bills:

- **Bill Number:** [HB 93](#) (White, James)  
**Bill Caption:** Relating to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.  
**TCJE Materials:** [CSHB 93 Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [03/11/15 Video](#) [TCJE testimony begins at 05:38:23]
- **Bill Number:** [HB 107](#) (White, James)  
**Bill Caption:** Relating to the fine imposed on a student convicted of truancy.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)

- **Bill Number:** [HB 110](#) (White, James)  
**Bill Caption:** Relating to the punishment by confinement for contempt of court for failure to obey a court order related to truancy.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [03/11/15 Video](#) [TCJE testimony begins at 05:38:23]
- **Bill Number:** [HB 297](#) (Wu)  
**Bill Caption:** Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [03/11/15 Video](#) [TCJE testimony begins at 05:38:23]
- **Bill Number:** [HB 378](#) (White, James)  
**Bill Caption:** Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)
- **Bill Number:** [HB 379](#) (White, James)  
**Bill Caption:** Relating to the failure to attend school for part of a day.
- **Bill Number:** [HB 516](#) (Moody)  
**Bill Caption:** Relating to venue for the offense of failure to attend school.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)
- **Bill Number:** [HB 519](#) (Moody)  
**Bill Caption:** Relating to venue for the offense of a parent contributing to a child's failure to attend school.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)

- **Bill Number:** [HB 697](#) (White, James)  
**Bill Caption:** Relating to the waiver of fines, fees, and court costs imposed on a student convicted of truancy.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)
- **Bill Number:** [HB 1359](#) (Wu)  
**Bill Caption:** Relating to procedures involving truancy and other fine-only misdemeanors committed by children.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 29, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [04/29/15 Video](#) [TCJE testimony begins at 00:59:10]
- **Bill Number:** [HB 1365](#) (Guillen)  
**Bill Caption:** Relating to procedures involving truancy and other fine-only misdemeanors committed by children.
- **Bill Number:** [HB 1490](#) (authors: Huberty, Deshotel, Romero, Jr., Reynolds | sponsor: Whitmire)  
**Bill Caption:** Relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)  
**Archived House Hearing Video:** House Juvenile Justice & Family Issues Committee, [03/11/15 Video](#) [TCJE testimony begins at 05:38:23]  
**Senate Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on May 21, 2015](#)  
**TCJE Senate Action:** [Card in support](#)
- **Bill Number:** [HB 1571](#) (White, James)  
**Bill Caption:** Relating to notice of the right to employ counsel in truancy proceedings.
- **Bill Number:** [HB 1753](#) (White, James)  
**Bill Caption:** Relating to dismissal of charges of failure to attend school or parent contributing to nonattendance.

- **Bill Number:** [HB 2268](#) (Thompson, Senfronia)  
**Bill Caption:** Relating to expunction of convictions and records in failure to attend school cases.
- **Bill Number:** [HB 2397](#) (White, James)  
**Bill Caption:** Relating to public school interventions and procedures for truancy.
- **Bill Number:** [HB 2398](#) (authors: James White, Reynolds | sponsor: Whitmire)  
**Bill Caption:** Relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost.  
**House Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 15, 2015](#)  
**TCJE House Action:** [Card in support](#)  
**Senate Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on May 19, 2015](#)  
**TCJE Senate Action:** [Card in support](#)  
**Outcome:** **Effective 9/1/15**
- **Bill Number:** [HB 2632](#) (Dutton, Wu, James White, Huberty, Reynolds)  
**Bill Caption:** Relating to removing a criminal penalty and authorizing a civil penalty for truancy.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 11, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [03/11/15 Video](#) [TCJE testimony begins at 05:38:23]
- **Bill Number:** [HB 2821](#) (Clardy)  
**Bill Caption:** Relating to court jurisdiction and procedures for truancy.  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 29, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [04/29/15 Video](#) [TCJE testimony begins at 01:19:50]
- **Bill Number:** [SB 106](#) (Whitmire)  
**Bill Caption:** Relating to court jurisdiction and procedures relating to truancy; providing criminal penalties; imposing a court cost.  
**TCJE Materials:** [CSSB 106 Testimony](#)  
**Senate Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on March 31, 2015](#)

**Archived Senate Hearing Video:** Senate Criminal Justice Committee, [03/31/15 Video](#) [TCJE testimony begins at 00:39:34]

**House Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on May 6, 2015](#)

**Archived House Hearing Video:** House Juvenile Justice & Family Issues Committee, [05/06/15 Video](#) [TCJE testimony begins at 03:52:38]

- **Bill Number:** [SB 285](#) (West)  
**Bill Caption:** Relating to court jurisdiction and procedures for truancy.

### Other TCJE Materials:

- **Comparative Chart:** [2015 Truancy Bills](#)
- **Fact Sheet:** [Truancy-Related Offenses](#)

### Relevant Media:

- **The Texas Tribune:** [“Truancy Reform Heads Down to the Wire”](#) [May 29, 2015]
- **Fort Worth Star-Telegram [Op-Ed by Texas Association of Business President Chris Wallace]:** [“Texas juvenile justice system not centered on punishment”](#) [April 1, 2015]
- **The Dallas Morning News:** [“Legislators poised to make changes in juvenile justice system”](#) [February 23, 2015]
- **Texas Public Radio:** [“Following On 2013’s Legislative Efforts, Texas Lawmakers Aim To Decriminalize Student Truancy”](#) [November 17, 2014]

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[1] Texas Appleseed, *Criminalization of Truancy in Texas: Prosecution of “Failure to Attend School” in Adult Criminal Courts*, p. 2;  
[http://texasappleseed.net/index.php?option=com\\_docman&task=doc\\_download&gid=934&Itemid](http://texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=934&Itemid)

[2] Ibid, pp. 4-5.