

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/truancy-in-texas-emerging-critiques-and-opportunities>

Public Facing Advocacy Writing

The Department of Justice's [recent announcement](#) of an investigation into truancy court and juvenile district courts in Dallas County, Texas is big news in juvenile justice circles. Texas, which enacted a series of juvenile justice reforms between 2007 and 2013, is nonetheless one of only two states in the country (along with Wyoming) that sends kids to adult criminal court for truancy. DOJ will examine whether the Dallas County courts provide constitutionally required due process to children charged with failure to attend school (FTAS), a Class C misdemeanor under Texas law. In 2014, 20,000 FTAS cases were prosecuted in adult criminal courts in Dallas County alone. More than 100,000 criminal truancy cases are brought to court in Texas each year, leading to fines and criminal records for many children.

Texas Appleseed, an advocacy organization that has been working to illuminate the troubling aspects of Texas' predominantly court-based approach to truancy, recently published a [report](#) that cites due process violations as one of an array of factors that stress the need for change. Appleseed found that children in FTAS cases are rarely represented by counsel and often end up not contesting, or pleading guilty to, charges they do not understand, even if they have valid grounds for defense.

Further, the burdens created by this approach to truancy are frequently placed on Texas' most vulnerable children. The Appleseed report notes that four out of five youth sent to court for truancy come from economically disadvantaged homes. Yet the most common sanction in these cases is a fine, which can range up to \$500. Moreover, African American and Latino students, as well as special education students, are overrepresented in truancy cases statewide.

Last week, the Texas Senate approved a bill to decriminalize truancy, which its sponsor, Sen. John Whitmire, described as long overdue. The bill, which next goes to the Texas House of Representatives for consideration, would require schools to take steps to prevent and intervene in truancy issues before making a referral to court. This would move Texas in the direction of several other states that have tackled this issue. New York, Connecticut, Georgia, and Massachusetts have all passed laws in recent years requiring schools to be the first point of intervention for truancy. Just last month, Governor Earl Ray Tomblin of West Virginia (a state where an alarming 40 percent of young people in juvenile court are referred for skipping school) also signed a bill of this nature into law.

Putting mechanisms in place to ensure truancy is addressed at the school level first can lead to dramatic decreases in the number of youth caught up in court processes for status offenses (behaviors like truancy, which are prohibited under law only because of an individual's status as a minor). Reforms contributed to a 70 percent decrease in status offense court petitions from 2003 to 2012 in New York State and a 41 percent drop in status offense court referrals from 2006 to 2008 in Connecticut.

As the legislative process continues in Texas, localities can look to [a number of promising models](#) around the country to begin rethinking their approach to truancy. In the state of Washington, where schools are required by law to take court action against habitually truant students, some counties have developed creative ways to address the underlying causes of truancy, such as bullying in school, poverty, and homelessness. [Clark County](#), for instance, has created a continuum of interventions, from an educational workshop about the state's truancy law and the long-term consequences of not attending school, to individual case management and group activities.

For policymakers and practitioners in states like Texas who are interested in reforming their approach, Vera's [Status Offense Reform Center](#) offers [guidance](#) on how to transform a court-oriented status offense system into one that is community-based, family-focused, and service-oriented. The Coalition for Juvenile Justice's Safety, Opportunity & Success Project also offers resources to guide reform, including its [National Standards for the Care of Youth Charged with Status Offenses](#) and a [Model Policy Guide](#). Behaviors like truancy require attention, but not from the juvenile justice system and certainly not from criminal court.

This post also appears on the [Status Offense Reform Center](#) website.

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