

# Truancy Scenarios



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## Resources

- Juvenile Deskbook, Chapter 1
- TJCTC Website
  - Forms
  - Flowcharts
- Family Code Ch. 65

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# Overview of Truant Conduct and Exceptions

## Overview

- A child (age 12 thru 19<sup>th</sup> birthday)
  - Required to attend school (some exemptions)
  - Fails to attend school without excuse
  - On 10 or more days or parts of days
  - Within a 6-month period
  - In the same school year
- **Exceptions** - A school district may not refer a student for truant conduct if the truancy is a result of the student's:
    - Pregnancy,
    - Severe or life-threatening illness or related treatment,
    - Homelessness,
    - Being the state foster care program,
    - Being the primary income earner for the student's family.
  - *Sec. 25.0915 (a-3), Education Code*

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## Process Overview

Step 1: Referral from School to Court (within County)

Step 2: Court Sends Referral to Prosecutor

Step 3: Prosecutor Decides Whether to File Petition

Step 4: Prosecutor either Files **or** orders Destruction (w/in 45 days)

Step 5: Court sends Dismissal or sends summons with required hearing notice forms

Step 6: Adjudication Hearing

Step 7: Remedial Order & Enforcement (including potential Show Cause hearing)

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# Part One: Collaboration

Subtitle

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## You Gonna Take on Truancy?

- Must identify Truancy Team/Stakeholders
- Must gain commitment from all Team Players/Stakeholders
- Must work together to develop guidelines/responsibilities
- Must have a Team meeting prior to first filings to refine guidelines and ensure commitment from entire Team

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## Scenario 1

- Your school district drags their feet on filing cases, often filing cases in April or May on students who have 20, 30, or more absences. They say they are applying truancy prevention measures, so they can wait to file the cases, but you are unaware of any actual measures.
- Can they wait to file? What could possibly be done to resolve this issue?

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## Scenario 2

- Jill is filed on for Truant Conduct. She is 3 months pregnant, and her absences do not relate to her pregnancy. Can the school refer her for truant conduct?

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# Part Two: Appearance Day and Adjudication Hearing

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## Scenario 3

- Your constable is inundated with civil paperwork, and doesn't have the budget to add another deputy. Can the court have a school employee serve the summons on a student at school? If so, what are pros and cons of this approach?

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## Scenario 4

- Billy and his dad show up for the adjudication hearing. The summons was served 3 days before the hearing. What are the court's options to go forward?

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## Scenario 5

- Jesse is 14 and shows up for the adjudication hearing without a parent. They state that their dad lives in Kansas, and their mom works 8-6 M-F and can't take off or they won't be able to pay bills. What are the court's options to go forward?

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## Scenario 6

- What if the parent is there, but the child is not, what are the court's options?
- What if the parent says they tried to get the child to come, but the child physically resisted?
- What if no one is there?

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## Scenario 7

- What if the parent is there, but the child is not, what are the court's options?
- What if the parent says they tried to get the child to come, but the child physically resisted?
- What if no one is there?

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## Scenario 8

- Which of the following situations count as absences:
  - Johnny is 20 minutes late to his English class 3 times a week, for a total of 15 tardies. The class is normally 55 minutes long.
  - Shelley misses three days of school for jury duty.
  - Norah misses a day of school to get her driver's license.
  - Harry misses three days of school because his family won a free trip to Disney World.

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## Part Three: Remedial Orders

Subtitle

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## Scenario 9

- Lisa testifies that she has stopped going to school because she is embarrassed about how she performs in class and that she is facing bullying about her performance. What conditions could be placed in a remedial order to address these issues? Anything else the court wants to know?

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## Scenario 10

- Who determines the terms of a remedial order in a jury trial? Bench trial? What are some methods to ensure the most effective remedial orders possible?

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## Scenario 11

- Stevie cannot afford the \$50 court cost. Can the court order him to do community service to work off the court cost?

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## Scenario 12

- What are some situations where a court may wish to modify a remedial order? How does the court do that?

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## Scenario 13

- What are the tools available if a child or parent is disobeying a remedial order? What are the advantages and disadvantages of each?

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## Part Four: Wrap-Up & Problem Solving

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## Scenario 14

- A military recruiter wants access to Audrey's truancy records. Can they have them?

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## Biggest Current Problem?

- Discuss at your table the biggest current problem your court faces in handling Truant Conduct cases.
- Share your problem with the large group to see if a solution can be found!

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# What If You Lack Resources?

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# Questions?

Thank You!!

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