

Truancy

BRONSON TUCKER
TJCTC GENERAL COUNSEL

1

© Copyright 2025. All rights reserved.

Creation of this material was funded by a grant from the Court of Criminal Appeals. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without prior written permission of the Texas Justice Court Training Center unless copying is expressly permitted by federal copyright law. Address inquiries to: Permissions, Texas Justice Court Training Center, 1701 Directors Blvd, Suite 530, Austin, TX, 78744.

2

Resources

- Juvenile Deskbook, Chapter 1
- TJCTC Website
 - Forms
 - Flowcharts
 - Self-Paced Truant Conduct Module
- Family Code Ch. 65

3

Note!

- This class **will not** cover Parent Contributing to Nonattendance cases or juvenile criminal cases, including juvenile diversions. Each of those case types have separate, different rules and procedures.
- It is impossible to achieve 100% success rate in truant conduct cases. Do not allow that to distract you from the real progress and help that our courts are capable of in this are.
- This class will address some common problems, not a full procedural run-through. Please use the TJCTC resources for a detailed overview.

4

Overview of Truant Conduct and Exceptions

Overview

- A child (age 12 thru 19th 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*

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)

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?

7

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?

8

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?

9

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?

10

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?

11

Scenario 6

- 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.

12

Scenario 7

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

13

Scenario 8

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

14

Scenario 9

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

15

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!

16