

**SUBJECT:** Counting the number of student absences for truancy purposes

**COMMITTEE:** Public Education — favorable, without amendment

**VOTE:** 9 ayes — Aycocock, J. Davis, Deshotel, Farney, Huberty, K. King, Ratliff, J. Rodriguez, Villarreal

1 nay — Allen

1 absent — Dutton

**WITNESSES:** For — Gabriel Quintanilla, City of San Antonio; (*Registered, but did not testify*: Monty Exter, The Association of Texas Professional Educators)

Against — Debra Liva; (*Registered, but did not testify*: Yannis Banks, Texas NAACP)

On — (*Registered, but did not testify*: David Anderson and Lisa Dawn-Fisher, Texas Education Agency)

**BACKGROUND:** Education Code, sec. 25.094 allows students between the ages of 12 and 17 who are required to attend school to be ticketed for truancy if they fail to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period.

**DIGEST:** HB 2872 would amend the calculation of number of absences to five or more days or parts of days within a semester. Students attending a year-round school would commit an offense if they failed to attend on 10 or more days or parts of days within a six-month period in the same school year or three or more days or parts of days in a four-week period.

Notice to parents would be adjusted accordingly. School districts would be required to file a truancy complaint or refer the student to juvenile court not later than January 15th for absences occurring in the fall semester or June 15th for absences in the spring semester. Districts operating a year-round school would be required to file a complaint or refer the student to juvenile court within 10 school days after the student's 10th absence.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013, and would apply beginning with the 2013-14 school year.

**SUPPORTERS  
SAY:**

HB 2872 would promote early intervention by lowering the trigger districts may use to issue class C misdemeanor tickets to truant students. Districts would not have to issue the tickets but could take the opportunity to find out early why a student was skipping school and take steps to address the issue.

Truant students and their parents could benefit from being referred to court after five consecutive absences in a semester. Some courts offer truancy prevention services that could be useful if delivered early. Addressing truancy before it became a chronic problem could result in students receiving fewer referrals to court. Judicial intervention could help discover why a student was missing school, such as in one case where the court was able to help a student who was depressed after a parent's death.

The current system is not working. Courts that handle truancy cases are backlogged. The complexity of tracking individual student absences and maintaining individual action deadlines for each student complicates efforts to timely and effectively address truancy and exacerbates the court backlog. These problems contribute to delayed and ineffective prevention and intervention.

HB 2872 would streamline the process for tracking absences and filing truancy actions. The bill would set two filing deadlines, one for each semester, to create a more orderly system for districts and the courts.

Truancy limits students' educational opportunities, increases the likelihood of students engaging in harmful behavior, and reduces the amount of funding that local school districts receive through the school finance system.

**OPPONENTS  
SAY:**

Too many students are being referred to the court system for discretionary disciplinary referrals, such as failing to attend school. HB 2872 would exacerbate the problem by allowing referrals after only five days in a semester, instead of the 10 days under current law.

Criminalizing student misbehavior can lead to students dropping out of

school and increase their risk of incarceration, often culminating in the so-called “school-to-prison pipeline.” The Legislature should make it more difficult, not easier, for districts to refer students to court.

Districts could incur costs to modify locally or vendor-developed student information systems to incorporate the changes in absences. The Legislative Budget Board said costs would vary from district to district depending on the system being used and the amount of modification required.