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Texas Sends Thousands Of Kids To Court And Fines Them For Missing School. That's About To Change.

Truancy reform goes into effect Sept. 1, but questions remain about what will actually happen.



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WASHINGTON -- In a state proud of its reputation for "hang 'em high" Texas justice, closing the school-to-prison pipeline has long seemed next to impossible.

For years, Texas prosecuted more kids for missing school than all other states combined. In 2013, prosecutors charged more than 115,000 kids with truancy in adult criminal courts, where the minors were denied access to lawyers, fined thousands of dollars, and saddled with criminal records, despite evidence that such punitive measures didn't incentivize kids to come to school.

But now Texas is changing course.

As students in Texas return to school this month, a sweeping reform of the state's truancy laws will go into effect, eliminating the use of adult courts for truancy cases and requiring schools to operate truancy prevention programs. Instead of automatically handing off truant kids to the criminal justice system, schools will be forced to deal directly with minors who skip school, and to delve further than ever before into the reasons that individual students miss school.

Starting this year, students with three unexcused absences in a four-week period must be enrolled in a truancy prevention program, and attend a face-to-face meeting with parents and school administrators. If a student racks up 10 unexcused absences in six months despite being enrolled in the truancy prevention program, the school must first determine whether the student is absent because he or she is homeless, pregnant, in foster care, or acting as the primary breadwinner for a family before it can take any action. If any of these situations is found to be the case, then the school is required to offer counseling to the student, not punishment.

For students who don't have mitigating circumstances for their truancy, schools can refer them to a specially created truancy court, where the highest possible fine is \$100. Parents, however, can still be charged with a misdemeanor, but only if schools can prove that the truancy was the result of parental negligence.

Even so, the days of kids ending up with adult criminal records or owing thousands of dollars in fines because they missed school are over.

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"This is going to force the conversation that a lot of school districts aren't having before referring kids to court," said Deborah Fowler, executive director of Texas Appleseed, a criminal justice reform advocacy group that was instrumental in helping to pass the new Texas law.

In many cases, Texas schools will have to devise their truancy prevention programs from scratch. But they'll have good examples to study: Across the nation, school districts and states are pioneering new models for dealing with truancy -- models that could hold some lessons for Texas as it works to divert truant kids and their parents away from the criminal justice system.

In Clark County, Washington, this integrated approach is taking the form of community truancy boards, convened to address the myriad factors, like lack of transportation or mental health issues, that could be keeping kids from going to school.

"We now have alternatives to locking up status offenders," said Jodi Martin, project coordinator at the Clark County Juvenile Detention Alternatives Initiatives.

Like many of the most progressive truancy intervention programs across the nation, Clark County uses an early screening process called the Massachusetts Youth Screening Instrument to evaluate students for mental health issues and substance abuse. Originally devised for young people caught up in the juvenile justice system, the current version of the screening, known as MAYSI - 2, has become a crucial part of better understanding the underlying factors of chronic truancy.

"In Clark County, kids who keep having absences are referred to the county's Truancy Project. There, they'll do the MAYSI - 2, they'll do drug and alcohol counseling, and work with the youth and the family. Sometimes it was that the school wasn't the right fit, sometimes it was about classes that were a better fit, or mental health," Martin said.

Another crucial part of removing truancy from the court system is demanding that schools do more to help troubled students before referring them to court for truancy. In Rapides Parish, Louisiana, the parish's [School Exhaustion Form](#) includes a checklist, with items like meeting with the student's guardian and making sure the student has met with a school counselor. In order to refer the child to the parish legal system, administrators must check off at least three of the eleven items on the list.

"Schools were just saying 'send em to court, send em to court,' when the student was perhaps a distraught girl in crisis, or a young man who was missing school to help care for an adult in their household," said Judge Patricia Koch, who presides over criminal court in Rapides Parish and is a former juvenile court judge. "Originally, they sent us everybody. Today, I can name on my hand the kids who actually make it to court. ... The kids we actually have now typically

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have a lot of factors going on that interfere with their attendance."

As the new Texas law prepares to go into effect on Sept. 1, however, there are still plenty of people who are skeptical of relaxing the harsh penalties for truancy.

One reason is that it's hard to measure the effects of truancy reduction programs. "Just based on your interaction, if you're a judge, what you see is something that looks like it works for you," Krista Larson, director of the Center for Youth Justice at the Vera Institute of Justice, told The Huffington Post. "But no one really measures what happens a year later. Court interventions are at least something ... Truancy courts could look to some policymakers like the most effective means."

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Handing kids off to the courts costs school districts little, and the mandated changes this fall are practically assured to pull more money from cash-strapped education budgets. Like other districts in the state, Fort Bend Independent School District is preparing to hire new staff to help implement the new truancy policy. In a [letter to parents](#) this month, Superintendent Dr. Charles Dupre said district high schools would be adding staff "to ensure accuracy [in attendance gathering] and provide more personal interactions with our families."

But some school administrators worry that adopting more sympathetic policies toward students who miss school won't work for the most chronically, and some say willfully, truant kids. "I don't know if there are enough teeth in the system to make it work [even] by sending [kids] to the courts," Bushland ISD Superintendent Don Wood recently told the Amarillo Globe News. "There are individuals who [court] might have gotten them to school for a little while, and then they reverted back."

Fowler and other student advocates, however, believe the era of punishing and scaring kids into going to school can't end fast enough. "The stick doesn't work," Fowler said. "You can argue for jail and high fines for kids until you're blue in the face, but we've got 20 years of research that shows this just doesn't work. That's all there is to it."

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