

STATE OF TEXAS
RESOLUTION
of the
TEXAS JUDICIAL COUNCIL

Decriminalizing Failure to Attend School

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, students who violate the compulsory school attendance laws in Texas are prosecuted for either truancy in the juvenile courts or for failure to attend school in the justice and municipal courts; and

WHEREAS, very few truancy cases are filed in the juvenile courts; and

WHEREAS, the number of failure to attend school cases filed in Fiscal Year 2014 in the justice and municipal courts exceeded 65,000 cases, more than the number of cases filed for this offense in all other states combined; and

WHEREAS, Texas law currently mandates schools to refer students to the courts if the student fails to attend ten 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, regardless of whether the school is engaging in prevention and intervention services with the student; and

WHEREAS, students convicted of failure to attend school are subjected to criminal penalties, including criminal histories, courts costs and potential fines; and

WHEREAS, the offense of truancy exists in the Family Code¹ and is handled as a juvenile/civil matter rather than a criminal offense; and


WHEREAS, studies have consistently shown that youth involvement in the criminal justice system can have lifelong consequences for future criminality; and

WHEREAS, addressing failure to attend school with prevention and intervention measures is likely to have more positive outcomes on future student conduct.

¹ Family Code §51.03(b)(2)

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council urges the Legislature enact legislation to:

- 1) Decriminalize failure to attend school while leaving intact the offense of truancy under the Family Code;
- 2) Relax statutory provisions that require schools to refer failure to attend and truancy cases to the courts if the schools are engaged in prevention and intervention with students;
- 3) Ensure schools have access to adequate resources and incentives to provide prevention and intervention services to at-risk children engaged in failure to attend school; and
- 4) Equip justice and municipal courts with access to adequate resources to provide prevention and intervention services to children referred to the court for failure to attend school.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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