

Written Testimony for the Texas Senate Jurisprudence Committee

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Interim Charge 3:

Study and make recommendations on the feasibility of removing failure to attend school (Section 25.094, Texas Education Code) as a Class C misdemeanor offense and determine the feasibility of adjudicating juvenile truancy as a civil offense.

Failure to Attend School

1. 12 years or older, under 18
2. Required to attend school under Section 25.085 of the Education Code
3. Fail to attend school on 10 or more days or parts of days in a six month period during the same school year; or three or more days or parts of days within a four week period
 - The burden is on the defendant to show by a preponderance of the evidence that the absence has been excused or that the absence was involuntary
4. Is a Class C misdemeanor
5. Can be prosecuted in Constitutional County Court in counties with a population above 1.75 million, in all other areas prosecuted in a justice court or municipal court

Failure to Attend School Filings in Texas

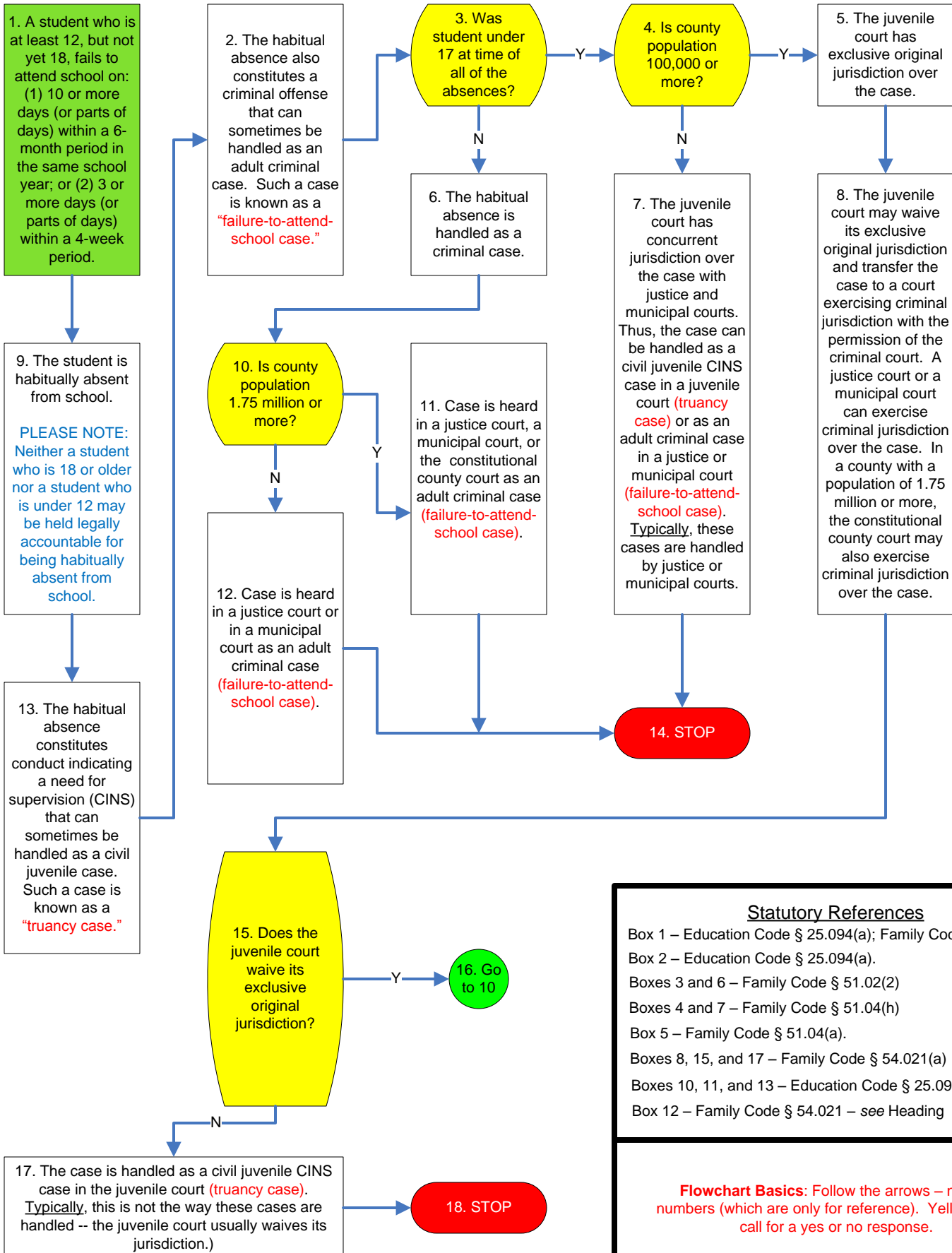
FY 2012	81,357
FY 2013	80,807
FY 2014	65,585

*Texas Judicial Council Data Reports

Texas Judicial Council Work

1. Eliminate Failure to Attend School as a criminal offense and make it a civil offense
2. Allow Justice Courts and Municipal Courts to handle civil cases dealing with failure to attend school
3. Identify funding for adequate prevention and intervention

Jurisdictional Flowchart for Failure-to-Attend-School-Cases and Truancy Cases



Statutory References

- Box 1 – Education Code § 25.094(a); Family Code § 51.03(b).
- Box 2 – Education Code § 25.094(a).
- Boxes 3 and 6 – Family Code § 51.02(2)
- Boxes 4 and 7 – Family Code § 51.04(h)
- Box 5 – Family Code § 51.04(a).
- Boxes 8, 15, and 17 – Family Code § 54.021(a)
- Boxes 10, 11, and 13 – Education Code § 25.094(b)
- Box 12 – Family Code § 54.021 – see Heading

Flowchart Basics: Follow the arrows – not the numbers (which are only for reference). Yellow boxes call for a yes or no response.