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TESTIMONY 2013

S.B. 1234

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of S.B. 1234, an effective policy that will address the unintended consequences associated with the offense designated as “failure to attend school.” By requiring persistent truancy to be handled in schools and juvenile courts, Texas lawmakers are electing to support the alleviation of financial and legal burdens on thousands of indigent families, while providing youth and families more access to programming and services that can reduce truancy.

TEXAS MUST IMPLEMENT A MORE EFFECTIVE APPROACH TO REDUCE THE FAILURE TO ATTEND SCHOOL

In 1993, in an effort to alleviate juvenile court dockets of truancy cases, Texas lawmakers created a separate criminal school attendance offense, commonly known as “failure to attend school,”¹ which is categorized as a Class C misdemeanor punishable under a municipal or justice of the peace court.

While this effort may have been well intentioned, it has resulted in a number of unintended consequences. For instance, once issued a citation for failure to attend, both students² and parents³ are subject to a maximum fine (not including court costs) of \$500; this is a **significant burden on indigent families**, with ongoing legal and financial consequences for failure to pay all money owed. Another burden results from the requirement to appear in an adult court to resolve the citation, which may lead to **students missing further school time**. Also sadly, Class C citations have **disproportionately impacted certain student populations**, including African-American students, Hispanic students,⁴ and students with intellectual disabilities.⁵

KEY FINDINGS

- Receiving a citation for failure to attend school is considered a Class C misdemeanor and is documented as a criminal (not juvenile) offense.⁶
- According to Texas Appleseed, Class C tickets for failing to attend school accounted for 29% of all Class C tickets issued in one year.⁷
- Students who face persistent complications with the school disciplinary system are more likely to drop out or become involved with the juvenile justice system.⁸

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 1234 BY SENATOR WHITMIRE

- **S.B. 1234 will repeal “failure to attend school” as a criminal offense, re-directing all cases of truancy to juvenile court where the offense is considered a Child in Need of Supervision (CINS) offense.** By eliminating “failure to attend school” from the Education Code, all persistent truancy cases will be required to be handled within a juvenile court. This designation will enable the juvenile justice system to provide youth and their families with the necessary services to address truant behavior. Repealing this offense will likewise eliminate any criminal liability that falls onto a youth’s parents.

Continued on reverse.

SOLUTION CONTINUED

- **S.B. 1234 also requires the use of progressive sanctions for truancy cases, which will alleviate juvenile courts dockets.** By requiring school districts to implement a progressive sanctions model for persistent truancy cases (including a behavioral contract, school-based community service, or counseling or other services), fewer referrals will be made to juvenile courts, allowing judges to focus their time and resources on higher-level cases. Furthermore, this approach will keep school matters in school and out of the justice system.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of S.B. 1234. It is an effective policy that provides a safe, cost-effective solution for addressing Texas' school-to-prison pipeline, and it will help thousands of youth go on to become productive members of our communities. The Texas Criminal Justice Coalition strongly urges you to support this bill.

Citations

¹ Texas Education Code § 25.094.

² Texas Penal Code § 12.23.

³ Texas Code of Criminal Procedure, Article 45.054. Under this Article, a municipal or justice of the peace court is required to endorse a summons issued to the parent of the individual. If the parent fails to obey the summons, he or she commits a Class C misdemeanor offense with a maximum fine of \$500.

⁴ Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest, & Use of Force in Schools, How the Myth of the "Blackboard Jungle" Reshaped School Disciplinary Policy*, December 2010.

⁵ Ibid.

⁶ Texas Education Code § 25.094 and Texas Penal Code § 12.23.

⁷ Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest, & Use of Force in Schools*, December 2010.

⁸ Council of State Government, *Breaking School Rules: A Statewide Study of How School Discipline Relates to Students' Success of Juvenile Justice Involvement*, July 2011.