Truancy: The warning bell for long-term social ills

By John Bull and Brian Woods, For the Express-News : January 24, 2014 : Updated: January 24, 2014 4:21pm

SAN ANTONIO — Over the last five years, lawmakers in Texas have been grappling with the issues of dropout rates and truancy.

What's changed is the long held reliance on justice of the peace and municipal courts to file criminal complaints as the first option for addressing school attendance.

Statewide, the schools and courts have been forced to look at an overburdened truancy process that has had limited resources to address the underlying problems.

Compulsory school attendance laws have been amended in the past two legislative sessions. These stress intervention and prevention over immediate criminalization.

Northside Independent School District and the San Antonio Municipal Court have worked closely to keep up with legislative trends, but our own observations and experiences have helped us adapt to these changes.

The results have been positive, clear and quantifiable.

Why is school attendance so important? School attendance can be a predictor of long-term problems. Studies show two-thirds of truant students will not graduate with their peers and will be charged with a criminal offense within two years of persistent truancy.

Sixty percent of juvenile crime occurs between 8 a.m. and 3 p.m. on weekdays (when children should be in school).

Forty-four percent of incarcerated adults have no high school diploma. Dropouts are more likely to be unemployed; they earn only 65 percent of the amount earned by high school graduates.

High school dropouts experience higher levels of early pregnancy, substance abuse problems, require more social services and are more likely to be arrested or incarcerated.

A 2007 study by economists James J. Heckman, a Nobel Prize winner, and Dimitriy V. Masterov concludes that “one of the best-established empirical regularities in economics is that education reduces crime.”

In spring 2010, the San Antonio Municipal Court and Northside ISD entered into a partnership to address student truancy violations — identified in the Texas Compulsory Attendance Law as “Failure to Attend School” and “Parent Contributing to Non-Attendance.”
It was apparent that the current truancy court process had become greatly overwhelmed. Those filed in early spring 2010 would not be heard until the fall of the next school year.

By the time cases were heard, many children with attendance issues accrued more than 60 additional unexcused absences since the original filing.

Our intent was to create a process in which cases were filed and heard in timely fashion, relying less on fines and stressing remedial programs to address the underlying problems.

The municipal court posted and filled a vacant judicial position and created a full-time truancy/juvenile court. Judge Clarissa Chavarria presides over the juvenile court.

School attendance is compulsory in Texas. Under Section 25.085 of the Texas Education Code, a child between the ages of 6 and 18 must attend school “each school day for the entire period of the program of instruction ... provided.”

The offense of failure to attend school is committed if the student “fails 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 without excuse.”

Under Texas’ compulsory attendance law, when a student reaches three unexcused absences — either partial or full-day — Northside ISD issues a warning notice, and an individualized attendance plan is developed in collaboration with the student, parent, administrator, counselor and other relevant individuals.

The emphasis is on student and parental involvement through the development of individualized attendance plans that focus on resolving the challenges that cause nonattendance.

If the student continues to accumulate unexcused absences after the issuing of the warning notice and the individualized attendance plan, a truancy case may be filed with San Antonio Municipal Court.

A collaborative effort involving key stakeholders, NISD and the municipal court has developed a student-centered approach in prevention and intervention.

The San Antonio Municipal Court's case management system provides student-specific intervention programs, developed under the direction of a juvenile case administrator and facilitated by 10 juvenile case managers.

Students and parents benefit from specialized programs consisting of several strands of support, including academics, help with emotional disturbance, substance abuse and family violence, and school-age parenting.

Northside students get to experience College Café; receive individual counseling through the University of Texas at San Antonio counseling department; and attend classes specific to self-discipline and career opportunities.
In 2011, the Texas Legislature amended the Texas Education Code, requiring that school districts adopt truancy-prevention measures designed to address student conduct related to truancy.

The goal was to minimize the need for referrals to juvenile courts. It required that school districts include in a truancy filing certification that the school applied prevention measures and that the prevention measures failed to meaningfully address the student's attendance.

This prompted Northside ISD to review existing practices and to evaluate truancy prevention and intervention measures. The district created a liaison to work directly with San Antonio Municipal Court.

In 2013, the Texas Legislature amended the Code of Criminal Procedure to allow court juvenile case managers to provide prevention and intervention services to juveniles before a criminal case is filed.

San Antonio Municipal Court has assigned a juvenile case manager to NISD, beginning in spring 2014. Legislative changes also allow the Municipal Court Juvenile Case Management Section to provide prevention and intervention services to juveniles before criminal cases are filed. This change will allow for diversionary programs, which will allow families to avoid a court filing if the impediments to school attendance can be identified and remedial action is taken.

This proactive partnership — emphasizing prevention and intervention — has shown quantifiable results.

Following the 2010-11 school year, truancy court filings per 100 students enrolled in NISD have declined to the lowest levels in many years. And overall student attendance in 2012-13 tied the previous year at an all-time high of 95.6 percent.

The goal of both the municipal court and NISD is to ensure that every child who experiences attendance difficulties has a plan for success.

The strength of the NISD-court partnership is an emphasis on early intervention, timely hearings of truancy cases, family involvement and parental responsibility.

Together, these set a clear standard of accountability for the school, parents and students.

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