



Reject Harmful Responses to Chronic Absenteeism, Such as Fines and Criminalization

Comments in Opposition to House Bill 3931 and House Bill 2725, submitted to the Texas House Select Committee on Youth Health and Safety, April 10, 2023

Dear Chair Thompson and Honorable Members of the Committee:

The undersigned education justice advocates respectfully submit these joint comments in opposition to HB 3931 and HB 2725, as filed.

We appreciate this committee's interest in addressing the serious challenge of chronic absenteeism of Texas students following a global pandemic and over a year of learning disruptions. We urge this committee to reject any proposal that includes imposing fines or criminalizing youth and families for truant conduct, including HB 3931 and HB 2725, as filed. Instead, the committee should prioritize and pass legislation that addresses the root causes of chronic absenteeism and provides opportunities and resources for schools, families and communities to work together to create supportive environments that engage students in their education and address the systemic barriers that contribute to absenteeism.

HB 3931, as filed, would reinstate Class C misdemeanor status for parents found responsible for a child's non-attendance at school. This proposal would undermine the historic reforms this Legislature enacted in 2015, which de-criminalized truancy for students and implemented a staggered fine system for parents convicted for contribution to non-attendance (OCA, 2015).

HB 2725, as filed, also contains two troubling provisions:

- **We strongly oppose Section 1 of the bill**, which allows a district to bypass engaging in truancy prevention measures in succeeding school years. We believe the solution to addressing chronic absenteeism is for schools to identify the root causes of the absence, and that cannot successfully occur without regular outreach and intervention. A student and family's situation can change dramatically in a matter of months, weeks and even days – and expediting a student's referral to truancy court without first ensuring that no preventative, school-based measures can address the truant behavior is counter-productive and likely to create even more hardship for families in ensuring their child attends school.
- **We strongly oppose Section 2 of the bill**, which would dramatically increase fines for parents found "responsible" for contribution to non-attendance.

The reasons for chronic absenteeism are as varied as the challenges our students and families face – including academic struggles, health, lack of transportation, bullying and lack of safety, and exclusionary discipline (OCR, 2019; AAP, 2019; Vasquez, 2018, Balfanz & Byrnes, 2012).

Research has found that the challenges of chronic absenteeism are most prevalent in economically-disadvantaged communities, for students with disabilities, and for students and families of color (OCR, 2019; Balfanz & Byrnes, 2012). For example:

- In poor rural areas, one in four students can miss at least a month's worth of school (Balfanz & Byrnes, 2012).
- Pregnant students have some of the highest rates of chronic absenteeism (Children at Risk, 2023).
- A study on Houston ISD found that children from low-income families were more likely to be chronically absent than their peers – particularly in lower grade levels (Finck, 2015).
- A 2015 white paper on chronic absenteeism in San Antonio schools found that 24% of economically disadvantaged students were chronically absent, compared to 6% of those with no economic disadvantage (P16Plus, 2015).
- A 2015 study found that although half of Central Texas students are low-income, they account for more than their share of absences (Wiseman, et al., 2015).
- Students with disabilities are about 50% more likely to be chronically absent than students without disabilities (OCR, 2019).
- Students with chronic health or mental health challenges are more likely to be chronically absent (AAP, 2022).
- Students of color are more likely to be chronically absent. According to the U.S. Department of Education's Office for Civil Rights, compared to their white peers, American Indian and Pacific Islander students are over 50% more likely to lose three weeks of school or more, Black students 40% more likely, and Latino students 17% more likely (OCR, 2019).

Finally, the pandemic has also created a substantial increase in chronic absenteeism rates. It is estimated that, nationally, chronic absenteeism has more than doubled from the more than 8 million students, pre-COVID-19, who were designated as academically at risk due to chronic absenteeism (Attendance Works, 2018).

Criminalizing parents or punishing families whose children are absent from schools is a harmful and ineffective approach to addressing truancy. Punitive measures, such as fines or criminal charges, do nothing to address the underlying causes of chronic absenteeism and can exacerbate the challenges faced by students and families, leading to further disengagement from school (Fowler, et al., 2015). Studies have found that fines have little to no effect on truancy rates (NCSL, 2017). Additionally, for low-income families, fines create a financial burden that exacerbates the root causes of truancy, such as transportation or housing issues.

Rather than enacting policies that will hurt families, we urge the Legislature to adopt a comprehensive approach to truancy that includes key strategies, such as improving school climate and culture, providing support and resources to students and families, and addressing the root causes of absenteeism through school, family and community partnerships.

We also note that a significant challenge in addressing chronic absenteeism is the lack of consistent data at the state and school levels. Accordingly, we support Section 3 of HB 2725, which would require districts to submit annual attendance reports to TEA. Capturing this data on a more consistent basis is critical to understanding the challenges our students, families and educators are facing. We recommend that required data reporting include information about districts' implementation of truancy prevention measures so that families and school and state leaders can make sure that schools have appropriate resources and accountability for following current law in implementing these measures.

Addressing truancy and chronic absenteeism requires a collaborative, holistic approach that recognizes the complex social and economic factors that contribute to absenteeism and empowers students and families to overcome them.

Recommendations

- Pass legislation promoting student-family engagement in schools and providing support and resources for families and schools to work together to address root causes of chronic absenteeism, including HB 3917.
- Define chronic absenteeism in the Texas Education Code as a student who misses 10% or more of instructional time within an academic year for any reason and require TEA to report chronic absenteeism to increase transparency and better target student supports.
- Add chronic absenteeism to the “at risk” category to better support students who are chronically absent and therefore at risk of dropping out.
- Require schools to report information regarding adopted policies and implementation of truancy prevention measures.
- Invest in school-based supports and resources, such as social workers, family outreach workers, mental and behavioral health specialists, and training for school employees to address the root causes of chronic absenteeism and truancy.
- Publish and effectively communicate a school's attendance policy and counsel families on the importance of their children attending school, the consequences for failure to attend school, and available resources to support students' attendance.
- Reject punitive responses to truancy, such as fines and criminalization for students and families.

If you have questions or would like to discuss these comments further, please do not hesitate to contact Paige Duggins-Clay, J.D. chief legal analyst, IDRA at paige.duggins-clay@idra.org.

Sincerely,

IDRA (Intercultural Development Research Association)
Texas Appleseed
Texas Center for Justice and Equity
ACLU Texas
National Association of Social Workers Texas

Resources

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- P16Plus. (2015). Attendance Matters: White Paper on Chronic Absenteeism in San Antonio Schools.
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IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.