

SUBJECT: Applying truancy laws to voluntarily enrolled students age 18 or older

COMMITTEE: Public Education — favorable, without amendment

VOTE: 5 ayes — Eissler, Zedler, Delisi, Mowery, Patrick

1 nay — Hochberg

1 present not voting — Dutton

2 absent — Branch, Olivo

WITNESSES: For — Judge David Cobos, Justice of the Peace & Constable Assn. of TX; Lawanda Hayes, Vidor ISD; (*Registered, but did not testify*: Amy Beneski, Texas Association of School Administrators; Judge Ted Duffield, Justices of the Peace & Constable Assn. of TX; David Duty, Texas Assoc. of School Boards; Judge Connie Mayfield, Judge Kay Phillips, Judge Suzan Thompson, Justices of the Peace and Constables Assn. of Texas)

Against — None

BACKGROUND: Education Code, sec. 25.085 requires school attendance for students from age 6 until their 18th birthdays. A parent is notified at the beginning of each school year that should a student fail to attend school on 10 or more days within a six-month period or on three or more days within a four-week period, the parent is subject to prosecution for truancy under sec. 25.093 and the student is subject to prosecution under sec. 25.094, both offenses punishable as a class C misdemeanor with a maximum fine of \$500.

When students reach their 18th birthdays, compulsory education is lifted and these requirements no longer are enforceable. Under sec. 25.085(e), a student who voluntarily enrolls in or voluntarily attends school after the student's 18th birthday must attend school each school day for the entire period the program of instruction is offered, but a school district may revoke the enrollment of a student with more than five unexcused absences.

DIGEST: HB 566 would amend sec. 25.085(e) to require students who voluntarily enrolled in school or voluntarily attended school after their 18th birthdays to attend until the end of the academic year.

A student age 18 or older could be prosecuted for truancy, but the student's parents could not be charged with contributing to non-attendance. A school district no longer would be able to revoke the student's enrollment for having more than five unexcused absences.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: HB 566 would help keep in school older students who voluntarily attend. After a student's 18th birthday, a school district has no ability to enforce that student's attendance or completion of the academic year. When students voluntarily drop out or have their enrollment revoked, the state's dropout rate increases. The Texas Education Agency reported that about 30 percent of dropouts in the 2004-2005 academic year were students 18 years old or older.

Extending compulsory attendance to these students would help curb the dropout rate, reported by some estimates at 33.2 percent or 119,310 students. A high school graduate earns \$9,211 more per year than a someone who did not graduate from high school, and 16- to 19-year-old dropouts in Texas collectively forfeit \$900 million annually. The Intercultural Development Research Association of San Antonio reports that in the last 20 years, dropouts have cost Texas \$730 billion in tax revenue and in expenses for social services, job training, and incarceration.

Applying truancy laws would serve to keep older students who voluntarily enroll in school but also provide the latitude for school administrators and justices to investigate the reasons for truancy. Students may want to be at school but be confronted with challenges preventing their attendance. Some students may have the responsibility of raising children or need to work to contribute to the family income, while others face challenges like being teased at school. One student, for example, was missing classes because he had to wear his sister's hand-me-down pink sneakers. The purchase of new sneakers resolved the problem, and the student returned to school. Another student was missing classes when no transportation to school was available because the family car needed a new battery. The

replacement of the battery resolved the issue, and the student returned to school. These problems should not be reasons for a student's failure to graduate. When the community can become involved, a student's likelihood of staying in school increases.

HB 566 would create an incentive for students to remain in school, and the state would benefit with a higher graduation rate. While it may be inevitable that school districts lose some students every year, adjustments should be made to retain as many students as possible and to encourage their graduation from high school.

**OPPONENTS
SAY:**

While retaining students and increasing graduation rates are worthy and universal goals, HB 566 could have the unintended consequence of encouraging some students to drop out and could increase the number of people called before the criminal justice system.

Under current law, students are not required to remain enrolled in school after their 18th birthdays. Placing mandates on students who voluntarily enroll could create a disincentive for their continued enrollment and remove the flexibility these students currently have. A student who tried to finish high school but whose circumstances changed – due to a change in job circumstances, for example – could be penalized. The worst scenario under current law would be a school district choosing to revoke a student's enrollment after five unexcused absences. HB 566 instead would permit school districts to prosecute these students for lack of attendance. Students who already are at risk of leaving school may feel unnecessary pressure from the new standard and instead choose to drop out.