



TEXAS TRUANCY LAWS

Chapter 25 of the Texas Education Code is the home for the laws providing guidance on compulsory school attendance and truancy within the state of Texas. Let's start by exploring who is required to attend school in Texas.

At what age must my child attend school in the state of Texas?

If a child has been enrolled in prekindergarten or kindergarten, the child shall attend school. A child who is at least six years of age shall attend school. A child who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th birthday shall attend school. Tex. Educ. Code § 25.085 (2023).

Are there exemptions to this law?

Yes, there are numerous exceptions to the law governing compulsory school attendance. Tex. Educ. Code § 25.086 (2023). You can see the entire list [here](#). Some of the most common exceptions include:

- (1) A child who attends a private or parochial school that includes in its course a study of good citizenship;
- (2) A child who is eligible to participate in a school district's special education program under applicable Texas law cannot be appropriately served by the resident district;
- (3) A child who has been expelled; or
- (4) A child who is seventeen and has a high-school diploma or a high-school equivalency certificate.



What happens to a student who fails to attend school?

In 2015, the Texas legislature changed the way they handle truancy issues with school districts by removing the criminal offense of “failure to attend school” from the Texas Education Code. Now, school districts must implement truancy prevention measures (TPMs) in response to children who have too many unexcused absences. The shift in law requires school districts to identify particular circumstances contributing to a student’s unexcused absences, and then take specific action with that student, all while communicating with the student’s parent.

How do Truancy Prevention Measures (TPMs) currently work?

While these measures will vary based on the school district’s preferences stated in its local policy, the law provides a foundation for what is generally required. At a minimum, Tex. Educ. Code § 25.0915 (2023), a district must take at least one of the following actions:

- Impose a behavior improvement plan. The district may impose a behavior improvement plan that must be signed by an employee of the school. The school district should make a good faith effort to have this plan signed by the student and the student’s parent or guardian. The plan should meet the elements described in Section 25.0915.
- Impose school-based community service.
- Refer the student. The student can be referred to counseling, mediation, mentoring, teen court, or other in-school or out-of-school service aimed at addressing the truant behavior.

How will I know if the District is implementing TPMs with my child?

The Texas Education Code lists out the notice requirements to be provided to parents or legal guardians. To begin, parents or legal guardians should generally be notified of their responsibilities and the possibility that their student could be subjected to TPMs if they have too many unexcused absences. This most naturally occurs at enrollment or the beginning of a new school year. Additionally, if a student has unexcused absences on three days or parts of days within a four-week period, the district must send a warning notice to inform the parent that the student is subject to TPMs.

What if my student is tardy to class? Will they be counted as absence and subject to TPMs?

This is unlikely. Generally, tardies are not considered absences. Refer to your local school district’s policy on what constitutes a tardy versus an absence.

What is considered an “excused” absence?

This will be based on state law as well as the local school district policy. A list of excused absences based on state law can be found [here](#).



What if my student has a disability and is missing school due to their disability?

For a student with a disability, the district should establish procedures to notify the admission, review, and dismissal (ARD) committee or the Section 504 committee of attendance issues. For a student receiving special education, a pattern of unexcused absences may be a reason to develop or revise a behavior improvement plan. Tex. Educ. Code § 29.005 (2023).

What are the best practices when implementing a TPM?

The Texas Administrative Code (TAC) lists several best practices that schools should consider while implementing TPMs. A well-detailed list can be found [here](#). A few of the suggestions mentioned by the TAC include development of an attendance policy that clearly outlines requirements related to truancy, creating a culture of attendance, creating incentives for perfect attendance and improved attendance, conducting needs assessments, as well as implementing dropout prevention programs for “at risk” youth.

What if a student continues to miss school despite the implementation of TPMs?

If the students are between the ages of 12 and 19, a referral to a truancy court may occur. These courts can impose civil consequences, among other rehabilitative measures.

When must a school district refer a child to Truancy Court?

A referral for 10 or more unexcused absences within 6 months must be made within 10 school days from the date of the student’s 10th absence. A district may delay the referral if the truancy prevention measures are succeeding and the delay is in the student’s best interest. Tex. Educ. Code § 25.0915 (2023); see also Tex. Fam. Code § 65.003 (2023).

When would a referral to truancy court not be warranted?

Services should be provided in lieu of a referral to truancy court if it is determined that a student is:

- (1) Pregnant
- (2) In the state foster program
- (3) Homeless
- (4) Suffering a severe or life-threatening illness or related treatment; or
- (5) Being the principal income earner for the student’s family. Tex. Fam. Code § 25.0915 (2023).



If my student is found to have engaged in truant conduct, is the adjudication going to be on their criminal record?

No, an adjudication of a child as having engaged in truant conduct is not a conviction of crime. An order of adjudication does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment. An order of adjudication may not be used in any subsequent court hearing, other than determining remedial measures or an appeal. Tex. Fam. Code § 65.009 (2023).

What could happen to a parent of a student who has too many unexcused absences?

Despite Truancy being decriminalized in the State of Texas, parents can still be charged with a crime if they fail to get their children to school. The charge is called “Parent Contributing to Nonattendance.” The penalty is found in Section 25.093 of the Texas Education Code and can result in a fine of up to \$500 for repeat offenders.