

Welcome to  
the Justice  
of the Peace,  
Precinct 3!



# TRUANCY

Presented  
by Interns  
Summer 2024

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A graphic of a spiral-bound notebook with a white page, a red cover, and a green background. The page has a spiral binding at the top. On the left side, there are two horizontal rectangular tabs, one yellow and one pink. In the center of the page, the number '01' is displayed in a large, bold, black font, enclosed within a light green circular arrow graphic. Below this, the text 'WHAT IS TRUANCY?' is written in a bold, red, sans-serif font.

01

**WHAT IS TRUANCY?**

# Truancy & Children

Truancy is the act of staying away from school without a good reason, and it applies to only minors.

"Child" means a person who is 12 years of age or older and younger than 19 years of age.





02

## WHEN IS A CHILD TRUANT?



A child engages in truant conduct if the child is required to attend school under Section 25.085, Education Code, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.



# What law is used in regards to truancy?

## Sec. 65.001. SCOPE AND PURPOSE

**Texas Education Code Section 25.085:** This section mandates compulsory school attendance for children between the ages of 6 and 19.

**Texas Education Code Section 25.093:** This section holds parents responsible for their child's school attendance and outlines penalties for contributing to truancy.

**Texas Family Code Section 65:** This section outlines the procedures for handling truant conduct as a civil case in truancy courts.



A graphic of a spiral-bound notebook with a white page, a red cover, and a green background. The page has a spiral binding at the top. On the left side, there are two horizontal rectangular tabs, one yellow and one pink. In the center of the page, the number '03' is displayed in a large, bold, black font, enclosed within a light green oval with a circular arrow around it. Below this, the text 'ARE THERE DEFENSES FOR TRUANCY?' is written in a bold, red, sans-serif font.

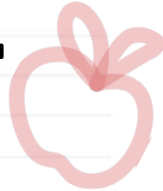
03

**ARE THERE DEFENSES  
FOR TRUANCY?**

# 3 MAIN DEFENSES

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

- (1) have been excused by a school official or by the court;
- (2) were involuntary; or
- (3) were due to the child's voluntary absence from the child's home because of abuse, as defined by Section 261.001.





# COMMON EXCUSES

## UNEXCUSED

"Judge, my sister got married! And not in this court."

## UNEXCUSED

"I needed to babysit my little brother, and he's a handful."

## UNEXCUSED

"But my car keeps breaking down..."

## EXCUSED

"I really wanted to see UT Austin in-person. I have a note validating my college visit"

## EXCUSED

"Those were holy days at my church. It was not optional, or recreational."

## EXCUSED

"I missed school because I was at court. Again."



04

# WHAT CAN A JUDGE ORDER FOR TRUANCY?




The term used by the court is  
**“REMEDIAL ACTIONS”**, delivered  
on the following terms:

a) Must be appropriate in  
regard to a child who has been found  
to have engaged in truant conduct.

(b) Must be orally pronounced  
in the child's presence, and in a  
written order.

(c) After pronouncing the  
orders, the court must advise on  
appeals and sealing records.



# EXAMPLES OF ORDERS



- **Mandatory School Attendance:** Requiring regular school attendance and proof thereof.
- **Fines:** Imposing fines on parents or guardians.
- **Community Service:** Assigning community service hours.

- **Counseling:** Mandating counseling for the student and/or parents.
- **Educational Workshops:** Requiring attendance at educational workshops.
- **Probation:** Placing the student on probation with specific requirements.
- **Parental Involvement:** Increasing parental involvement in the student's education.
- **Tutoring:** Ordering attendance at tutoring sessions.
- **Drug Testing:** Requiring drug testing if drug use is suspected.
- **Referral to Juvenile Court:** Referring the case to juvenile court for more severe sanctions.
- **Attendance Contracts:** Creating attendance contracts with specific goals.
- **Curfew:** Imposing a curfew to ensure the student is home during key hours.



# Education

is our passport to the  
future. TOMORROW  
belongs to those who  
prepare for it TODAY.



-Malcolm X

## SOURCES LINKED BELOW

1. <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.65.htm>
1. <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm>
1. <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm>