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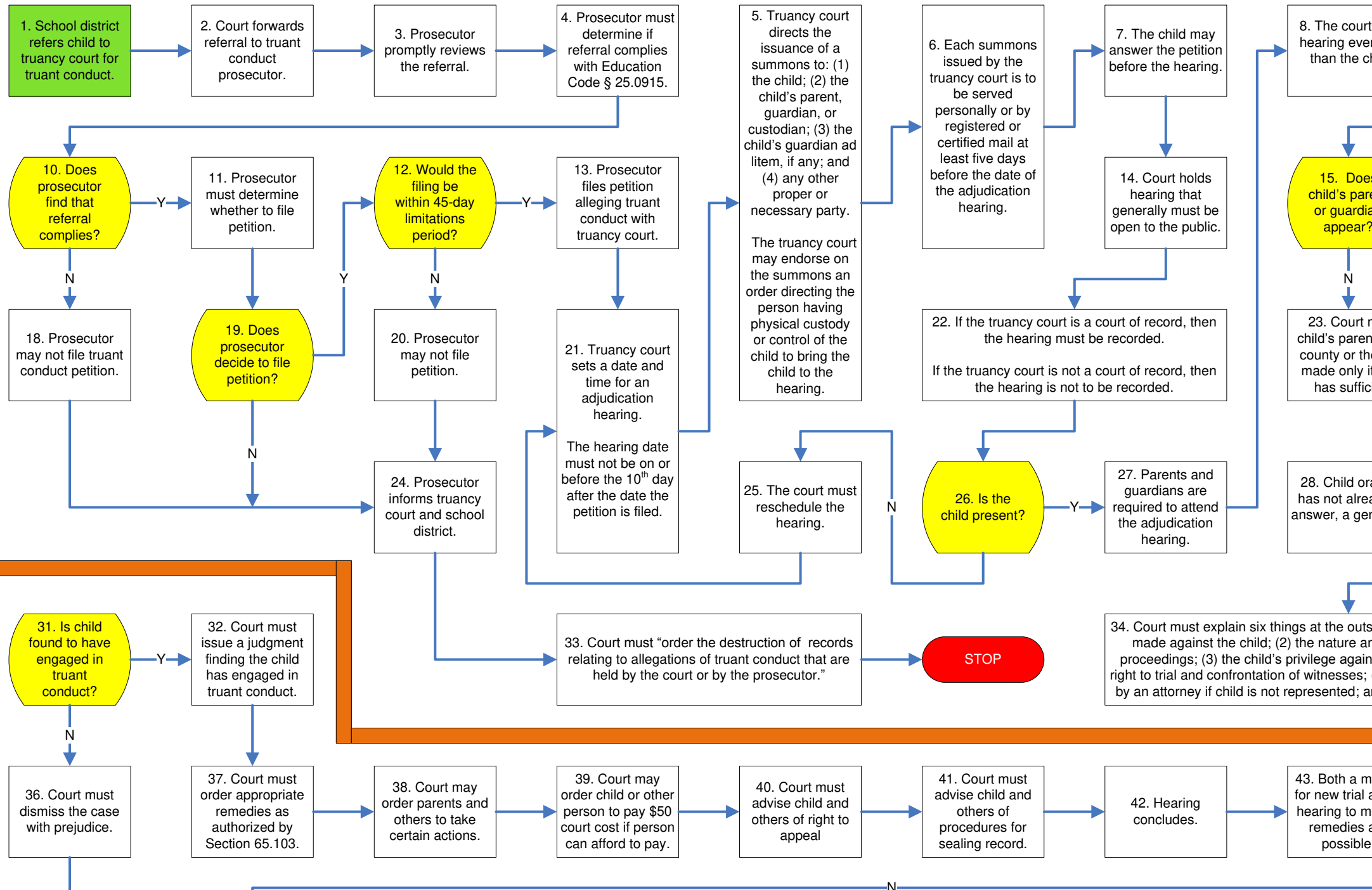
31st Annual School Law Conference

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Overview of the New Truancy Law

David Slayton

Truancy Court Procedures



Step-by-Step Commentary Accompanying Flowchart for Truancy Court Procedures

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Office of Court Administration
State of Texas
(512) 463-1625
www.txcourts.gov/oca

Box 1. School district refers child to truancy court for truant conduct.

A school district must usually refer a child to a truancy court to face an allegation of truant conduct in certain circumstances. Such circumstances exist if a child fails to attend school without excuse on a prescribed number of days. Specifically, a child must miss school on ten or more days (or parts of days) within a six-month period in the same school year. Education Code § 25.0951(a).

The school district is required to make the referral “within 10 school days of the student’s 10th absence.” *Id.*

There are exceptions to the referral requirement discussed above. These exceptions are set out in Section 25.0951(d) of the Education Code.

The school district’s referral has no set form, but is envisioned to be a written document.

Move to Box 2.

Box 2. Court forwards referral to truant conduct prosecutor.

A school district’s referral must meet certain requirements. But a truancy court receiving such a referral is not to examine the referral for defects. Rather, the truancy court is simply required to forward the referral to the truant conduct prosecutor. Family Code § 65.051.

Section 65.051 requires the court to forward the referral if the court is not required to dismiss the referral under Education Code § 25.0915. But nothing in Section 25.0915 requires the court to dismiss a referral prior to forwarding the referral to the truant conduct prosecutor. Thus, a truancy court must always forward a school district’s referral to a truant conduct prosecutor.

Family Code § 65.052 describes a truant conduct prosecutor as follows:

“In a justice or municipal court or a constitutional county court that is designated as a truancy court, the attorney who represents the state in criminal matters in that court shall serve as the truant conduct prosecutor.

Go to Box 3.

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