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Secondary Administrators' Perceptions of Truancy Decriminalization in Texas: House Bill 2398

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SECONDARY ADMINISTRATORS' PERCEPTIONS OF TRUANCY
DECRIMINALIZATION IN TEXAS: HOUSE BILL 2398

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DEDICATION

This dissertation is dedicated to the memory of my parents, Arthur K. and Myrtle L. Read. Your strength and love are felt daily, and I am grateful for your support from day one. I wish you were here. I hope I made you proud.

To Raymond and Roberta Cartwright, my former in-laws who exemplified the notion that you do not have to be “blood” to be family. Thank you for standing by me and continuing to have faith in my ability to touch lives. I love you.

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**HIGH SCHOOL ADMINISTRATORS' PERCEPTIONS OF TRUANCY
DECRIMINALIZATION IN TEXAS: HOUSE BILL 2398**

By

MAE ELIZABETH READ, B.A., M.P.A., M.Ed.

DISSERTATION

Presented to the Faculty of the Graduate School of
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of the Requirements
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Abstract

Seven Campus Truancy Administrator's perceptions and lived experiences were investigated as they responded to mandated changes in Texas truancy policy and how effective the implemented Truancy Prevention Measures would be perceived on high school campuses located in Far West-Texas. Campus Truancy Administrators provided insight as to interpretation of policy on their individual campus; challenges associated with enforcement of truancy policy; the effectiveness of Truancy Prevention Measures; and how implementation of these measures resulted in additional changes pertaining to loss of credit; changing graduation rates; and enforcement of Truancy Prevention Measures on student groups exempted from court proceedings.

The study found Campus Truancy Administrators in agreement that Truancy Prevention Measures, as written by the 2015 Texas 84th Legislature, lack enforcement strength, despite an array of measures to choose from. The Truancy Administrators believed they were over worked and that a true commitment to the truancy process needed to be revamped and strengthened.

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Chapter I

Introduction

For decades, truancy and compulsory attendance policies have long frustrated students, educators, school districts, and legislators since Texas established compulsory attendance laws in 1915 (TEA, 2015). Every state has some form of compulsory school attendance policy for students attending public school and Texas is no exception (Lunenberg, 2011). Chronic truancy is identified as one of the top five major problems in school (Garry, 1996) and is a precursor to being labeled as “at-risk” and dropping out of high school (Abbott & Breckenridge, 1917). Zang, (2022), writes that truancy has been identified as one of the top 10 educational problems in the United States and is a predictor of later juvenile behavior. Other researchers have also found that truancy has been associated with sexual promiscuity, and dropping out of school (Bell, Rosen, & Dynlacht, 1994; Van Petergem, 1994; Teasley, 2004).

Truancy decriminalization was undertaken by the 84th Texas Legislative Session with the reconciliation of the proposed Senate Bill 106 and House Bill 2398, resulting in the final version of House Bill 2398 (Texas House Bill 2398, 2015). Texas Senate Bill 106 included the language:

“Relating to court jurisdiction and procedures related to truancy; providing criminal penalties; imposing a court cost (Texas Senate Bill 106, 2015).

Texas House Bill 2398 included the following language:

“An act relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost” (Texas House Bill 2398, 2015).

Signed into law by Governor Gregg Abbot on September 15, 2015, the passage of HB2398 laid the groundwork for school districts to adopt plans to increase school attendance,

increase parental involvement, and most importantly, significantly reduce the number of students referred to municipal court (TEA, 2015). Truancy Prevention Measures were not specified in the Texas Education Code, but they appear in the Texas Family Code under Title 3A, Chapter 65. Chapter 65 concerns legislation “dealing with the procedures and proceedings in cases involving allegations of truant conduct” (Family Code, Title 3A, Chapter 65, 2015, p.1).

As one of two states in which truancy was a crime, 2014 statistics compiled by the Texas Office of Court Administration (TOCA) revealed that there were 57,829 cases of “*failure-to-attend-school*” under Education Code Section §25.094 (Harte, 2017). Data obtained by TOCA’s Judicial Information Section indicated that 24,224 truancy cases were filed in the Dallas and Fort Bend constitutional county courts during 2014 (Harte, 2017). In 2019, TOCA reported cases involving juveniles or minors that were filed in justice court and municipal court declined 64 percent since 2012 (Harte, 2017). This represents a high of 314 cases filed in 2012, to a low of 111 cases filed in 2019. Additional information reveals that Texas filing on truancy and parent contributing to non-attendance at schools.

Background of the Problem

Prior to September 1, 2014, prosecution of truancy in the state of Texas occurred under two different processes in the judicial system: a) criminal court, or, b) juvenile court (State of Texas, Office of Court Administration, 2015). The juvenile court process is distinctively different from the criminal court truancy process and is not dramatically impacted by the provisions established under passage HB2398.

Students who failed to attend school found themselves prosecuted under the concept of “*failure-to-attend-school*.” *Failure-to-attend-school* cases were prosecuted as criminal cases (Texas Education Code §Section 25.094), under the *Failure-to-Attend* Clause (State of Texas,

Office of Court Administration, 2015). In this instance, the offense of *failure-to-attend-school* is handled primarily by Texas Justice and Municipal Courts and sanctions apply to students between 12-18 years of age and resulted in the issuance of a Class C misdemeanor. This study focused on the prosecution of truancy in criminal court and how House Bill 2398 was passed to ensure truant students received Truancy Prevention Measures to curtail the criminal process.

The criminal prosecution of truancy would occur after the accumulation of ten unexcused absences. Students were served a summons to appear in court and were placed on the docket. Once in court, students were sworn-in by the Court Bailiff and were asked how they would plea to the charge of *failure-to-attend-school*. The options given to students were either to plead *guilty*, *not guilty*, or *no-contest*. Once sworn in by the Bailiff, the students entered a plea of either *guilty* or *no-contest*. Students were instructed to answer questions pertaining to their whereabouts on the dates in question based upon a docket presented to the Assistant District Attorney through the Campus Truancy Administrator or Assistant Principal charged with attendance compliance. They were also assessed the \$592.00 fine plus court costs. Students pleading *not guilty* were placed on the docket by the Court Clerk for a trial.

The Justice-of-the-Peace, after hearing both student and the Campus Truancy Administrator's testimony, ruled on the case finding either truant behavior or no truant behavior. Those students who were found to have engaged in truant behaviors were then fined an amount not to exceed \$592.00 per filing, per student. These truants constituted the majority of students who walked away from court with a Class C citation for *failure-to-attend-school*.

Students cited and fined for truancy were then expected to return to their campus without any additional academic support, interventions, or counseling. These students were most likely to continue to accumulate absences and be referred to truancy court multiple times during the

school year. Loss of credit policies were enacted upon the tenth unexcused absence, thereby subjecting them to spending additional time in Saturday School to compensate for time lost and tutoring sessions in order to recoup loss credits.

Having fallen behind on credits, being found guilty of truancy and assuming they were out of viable options, students who were chronic truants were faced with limited options, to include pursuit of a General Education Diploma (GED) on their own accord, being court-mandated to pursue a GED, or simply dropping out of school under their own volition (at age 18), or by attendance school personnel, under Public Education Information Management System (PEIMS) Code 98 (TEA, 2014).

Students who pled *not guilty* to the charge of *failure-to-attend-school* were issued a continuance by the Justice-of-the-Peace and placed on the docket for a trial date to be determined by the court. Students were given the option of having either a bench or jury trial and were advised they would have to obtain legal counsel. While the services of a court interpreter were made available at the beginning of the court session for students and parents who either did not understand, write, or speak English, it was made clear through the interpreter the court would not provide legal counsel.

Call for Truancy Reform in Texas

In 2013, public interest law centers filed a complaint with the United States Department of Justice about truancy in Texas which can be a criminal offense, saying students have been shackled in court, denied their basic rights to counsel, fined, and often forced to leave school (Herkovitz, 2015).

Decriminalization of truancy has long been a concern in the State of Texas. For decades, Texas school districts and courts have worked in a symbiotic unison to find a solution to the

problems of student non-attendance and truancy, and how to overhaul the bifurcated truancy court process which ultimately led to the issuance of a Class C misdemeanor resulting in a criminal record for high school students (Wood, 2015). Research conducted by Texas Appleseed, a Texas Child Advocacy Group which focuses primarily on the decriminalization of truancy, uncovered six areas of concern associated with the offense of truancy, of which, four are of significance to this study:

1. Texas reporting the highest level of truancy prosecution in the United States;
2. Ignorance of due process and plea rights afforded to students and parents;
3. Failure of the courts to legally explain charges to students who may plead guilty or no-contest to charges not fully understood by them, and;
4. Failure to report truancy data to the Texas Education Agency (TEA), although school districts are required to do so (Fowler, 2015, pp. 1-2).

Texas Appleseed's findings included the following:

“Texas currently prosecuted more than twice the number of truancy cases prosecuted in all other states combined (Texas becomes the outlier, for in the United States - fewer than 50,000 truancy cases were filed in the Juvenile courts of all other combined in 2014 (Fowler, 2015); approaches to school- and community-based programs aimed at truancy prevention are not effectively implemented and due process protections are often ignored in courts where these cases are prosecuted, with children (who are rarely represented by counsel) pleading guilty or no-contest to charges they often do not understand, even when they may have a valid defense,” (Fowler, 2015, pp.1-2).

The other area of truancy concern as reported by Texas Appleseed included the over-representation of poor students; the disproportionate number of African-American, Hispanic, and

special education students charged with truancy and therefore having to appear before a magistrate in truancy court proceedings; and the rise in court-ordered withdrawals from public high school and enrollment into General Education Diploma (GED) programs (Fowler, 2015, p .2).

Civil Enforcement Procedure

With the passage of HB2398, a new process of civil enforcement for truant conduct was initiated (Orman & Blanton, 2015). The status offense of “*failure-to-attend-school*” was replaced with local discretion. Under the new law, a district may choose to proceed using one of two options. The first option was “having a school district refer an eligible student to truancy court within 10 days of the student’s 10th unexcused absence” (Orman & Blanton, 2015). The second option consisted of not referring; having the school district refer a student to court “based upon the efficacy of district interventions and the best interests of the student” (Orman & Blanton, 2015). This second option allowed for mitigating circumstances and afforded each district and their secondary campuses varying degrees of discretion in exacting Truancy Prevention Measures. The requirement of an accompanying certifying statement which attested to the campus having applied Truancy Prevention Measures and ensured special education students had received due process, remained in effect (Orman & Blanton, 2015). These discretionary decisions made at the district level actually afforded the court increased levels of accountability, as they increased the prosecutor’s discretion in determining whether to:

1. “File a petition with the truancy court and,
2. Required dismissal of substantively defective complaints against students” (Orman & Blanton, 2015, p. 2).

Truancy Prevention Measures were outlined in HB2398, with its final draft and full implementation scheduled to take place beginning with the 2015-2016 school year (Texas HB2398, 2015). School district personnel were provided basic information on Texas Education Code §25.0915 which included compulsory attendance and truancy and providing basic information as to district action (Texas Association of School Boards, 2022, p. 2).

Statement of the Problem

Prior to 2015, in the State of Texas, students between the ages of 12-18, who engaged in truant behaviors were referred to municipal courts to appear before a Magistrate or Justice-of-the-Peace. The majority of the students referred to court were charged with "failure-to-attend-school," meaning they had accumulated 10 unexcused absences in a four-week period of time. Depending upon the culture of the high school campus and the depth of their anti-truancy program, these students may or may not have received anti-truancy interventions such as meetings with administrators, advising sessions with their grade-level counselor, placement on an anti-truancy contract, or scheduled meetings with both parents and administrators. When the student's attendance reached ten percent of the days required per semester, the student was not only in jeopardy of losing credit for the semester, they often found themselves placed on the court docket and ordered to appear before a Justice-of-the-Peace or magistrate to explain why they were not attending school (Fowler, 2015).

Given their truant status, students were found to have been ill-advised on their due process rights, and many who were able to matriculate did so, but along with receiving a high school diploma, they also possessed a Class C misdemeanor record which could not be expunged, as they were eighteen years of age. This condition, being found guilty of committing a felony as opposed to a status offense, exacerbated the

student's employment opportunities, restricted post-secondary schooling options, and left many students who were unable to pay fines and court fees associated with their conviction in debt to the State of Texas. The problem of finding a viable solution to the multi-faceted problem of truancy, while simultaneously decriminalizing the process was presented to schools, courts, parents, advocacy groups and students which resulted in the passing of House Bill 2398 in 2015.

In implementing House Bill 2398, essential tasks, in monitoring student attendance and ensuring Truancy Prevention Measures are meted out in a systematic process, are delegated to Campus Truancy Administrators as it is directly tied to school finance through the Texas PEIMS system. Chronically absent students negatively impact attendance rates, and students who are persistently truant, negatively affect graduation rates, and may increase drop-out rates (TEA, 2019-2020). The TEA reported 30,085 high school dropouts during the 2014-2015. Four-year longitudinal data on high school cohorts from 2015-2016 through 2018-2019 obtained by the Regional Educational Servicing Center (ESC) referenced in this study, breaks down the number of dropouts and the rate of occurrence. The number of high school dropouts reported by the ESC in this study for the following academic years: 2015-2016 (1,346 dropouts [0.3%]; 2016-2017 (1,229 dropouts [2.2 %]; 2017-2018 (1,227 dropouts [2.1 %]; and 2018-2019 (1,291 dropouts [2.2 %]) (TEA, 2015-16; TEA, 16-17; TEA, 17-18; TEA, 18-19).

The TEA reported a total of 30,085 high school dropouts (grades 9-12) state-wide during the 2014-2015 school year with ESC 19 reporting 1,626 dropouts for a total of 2.1 percent for the same period of time (TEA, 2018-19). Subsequent data collected by ESC 19 during the following academic years: 2015-2016; (drop-out rate 2.4 percent with 1,346 students); 2016-2017 (drop-out rate 2.2 percent with 1,229 students); 2017-2018; (drop-out rate 2.1 percent with 1,227

students) and 2018-2019 (drop-out rate 2.2 percent with 1,291 students) (TEA, 2015-16; TEA, 16-17; TEA, 17-18; TEA, 18-19).

As part of HB2398, the Texas Legislature voted to raise the compulsory attendance age from 18 to 19 years of age as a measure to decrease the number of dropouts and increase graduation rates (TEA, 2019).

With Far West-Texas as the geographic location of 12 independent school districts and eight public charter schools serving a student population of 176,851 students, a standardized method of implementation of truancy preventative measures was needed. In Region 19, a task force was formed to develop a regional truancy policy (Flores, 2015). At a 20% poverty rate, (U.S. Census Bureau, 2023), the majority of secondary high schools in the region meet requirements for Title I funding based upon free and reduced meals provided by the U. S. Department of Agriculture (U.S.D.A, 2023). Title I campuses comprise the vast majority of the schools where PEIMS indicators reveal students are entitled to free or reduced-price lunches.

The *County Truancy Prevention Plan* was established as a result of House Bill 2398 to ensure that, regardless of size, population, location, and additional information tracked by PEIMS, secondary high school campuses Truancy Prevention Measures were uniformly administered. Findings of this research provided insight into the perceptions of Campus Truancy Administrators as they dealt with students, parents, and the unexpected consequences from implementing Truancy Prevention Measures.

Purpose of the Study

The purpose of this qualitative study was to explore Far West Texas Campus Truancy Administrator's perceptions of Texas House Bill 2398 truancy policy and their approaches to implementing Truancy Prevention Measures on their campuses. Truancy Prevention Measures

are specifically outlined in HB2398; therefore, the method of implementation chosen by the Campus Truancy Administrator played a significant role in determining the success of each measure.

Campus Truancy Administrators were mindful as to their campus' climate, culture, and physical geography. Due to the geography of Far West Texas, where most of the independent school districts are located in both urban or suburban areas and serve large student body populations (such as El Paso, Canutillo, Socorro, and Ysleta), it is important to note that several independent school districts serve rural populations (for example, San Elizario, Fabens, Tornillo). The twelve independent school districts and eight charter schools in this region collaborated with the county district attorney and his staff to develop a standard operating procedure (SOP) of truancy policy to which all would adhere. It was necessary to consider that rural school districts receive less money based on their property-poor status. Acknowledging the fact that all secondary high school campuses in the region qualified for Title I assistance played an important role in the availability of off-campus social programs, such as Communities in Schools (CIS).

Guiding Research Questions

The research questions in this study addressed which Truancy Prevention Measures are most effective in reducing campus truancy rates while adhering to state law that mandates referring students to court to be used only as a last resort. In addition, these questions seek to discover how Campus Truancy Administrators can adapt Truancy Prevention Measures to fit the culture and specific needs of individual campuses while meeting state mandates.

Three questions guiding this study include the following:

1. What are the perceptions of Campus Truancy Administrators in Far West Texas regarding their understanding of truancy policy both prior to 2015 and afterwards?
2. How have Campus Truancy Administrators in Far West Texas interpreted and enforced Truancy Prevention Measures with respect to individual campus culture?
3. What are Campus Truancy Administrators' perceptions of the effectiveness of the County Truancy Plan?

Limitations, Delimitations, and Assumptions

The scope of this study focused on high school secondary school grades 9-12. The Texas Legislature in 2015 increased the mandatory age for compulsory attendance from 18 years of age to 19, and as such, the results of the study might not be applicable to lower grades, such as middle schools, where, while they fall under the category of secondary schools, additional and different Truancy Prevention Measures are employed. The issue of truancy is more prominent in high schools than in elementary or middle schools across the country (Bridgeland, Dilulio, & Streeter, 2007; Fowler, 2015, p. 56.)

The following is a list the limitations and delimitations of the study.

Limitations

Several factors may influence the results of the study and are outside the researcher's control (Lunenburg & Irby, 2008). The following limitations applied to this study:

1. House Bill 2398 was signed into law in August, 2015 with a mandate that implementation begin in September 2016. While the law mandated which types of Truancy Prevention Measures were to be implemented, there were allowances for recognition of campus cultures and social services. These factors may alter the effects of Truancy Prevention Measures.

2. Participants represent several school districts in Far West Texas and their experiences may or may not be similar to other urban school districts in the State of Texas.
3. Participation in this study was voluntary. Voluntary participation may have had an influence to the responses. Volunteers may have had a stronger opinion than those who did not.

Delimitations

Delimitations are boundaries of the study established by the researcher to accommodate for variables outside his or her control (Lunenburg & Irby, 2008). The following delimitations applied to this study:

1. The sample included Campus Truancy Administrators who had varying degrees of experience levels with student truancy.
2. The sample included Campus Truancy Administrators who implemented Truancy Prevention Measures as outlined by House Bill 2398.
3. The sample included only secondary schools with grades 9-12 located in Far West Texas.
4. Participants may have been reluctant to provide truthful answers regarding their perceptions of truancy and the perceived successful implementation of Truancy Prevention Measures on their campus.

Assumptions

Assumptions are the accepted premises of the research (Lunenburg & Irby, 2008). There are several assumptions inherent in this study. The researchers' first assumption was all secondary schools have Truancy Prevention Measures that contain consequences for non-compliance. The second assumption was secondary 9-12 grade campuses in Far West Texas have

assigned one Campus Truancy Administrator whose duties include the supervision of attendance personnel, the overall responsibility for implementation and administration of Texas House Bill 2398 Truancy Prevention Measures, and collaboration with court personnel in order to carry out the county truancy plan. The third assumption is the concept of truancy prevention and the decriminalization process will afford campus administrators the opportunity to build positive relationships with students, parents, and school personnel.

Significance of the Study

This study was an investigation to the question of how to decrease chronic truancy through state legislation and campus autonomy. The passage of Texas House Bill 2398 (2015) requires all public school districts to invest time, finances, and personnel in a concerted effort aimed at reducing truancy. The passage of Texas House Bill 2398 (2015) requires public school districts to implement specific Truancy Prevention Measures to students meeting qualifications under state law.

The overall goal is to structure Truancy Prevention Measures as a safety net which would reduce the number of students referred to truancy court. The information gained through this study will assist educators across the state as they implement Truancy Prevention Measures that best fit the needs and culture of their individual campus. By contributing to the existing knowledge on truancy prevention, this study may help in the design of truancy prevention programs which specifically address the social, emotional, and academic needs of students. Further, decreased rates of truancy court referrals, may enhance engagement among students, parents, and administrators, and increased cohort graduation rates.

Significance of the Study to Leadership

This study was an approach to the question of how to decrease chronic truancy through state-mandated campus Truancy Prevention Measures and campus autonomy. The information gained through this study will assist educators across the state as they implement Truancy Prevention Measures that fit the needs and culture of their individual campus. By contributing to the existing knowledge on truancy prevention, this study may help in the design of truancy prevention programs which are specifically designed to address the social, emotional, and academic needs of students, thus leading to decreased rates of truancy court referrals, decreased citations issued to students, enhanced engagement among students, parents, and administrators, and increased cohort graduation rates.

Summary and Organization of the Study

Chapter One introduced Texas House Bill 2398, commonly known as Truancy Decriminalization which was passed by the Legislature and implemented in 2015. This chapter consists of an introduction with a brief history of compulsory education in the State of Texas, and a review of truancy prevention programs prior to 2015. The evolution of truancy as a status offense and subsequent classification as a misdemeanor in Texas Criminal Court is also discussed. The problem statement denotes how truancy serves as a foundation to future detrimental behaviors, and the purpose statement explains truancy-prevention measures and how their implementation (or lack of) can impact the campus culture. The significance of the study for educational administrators, public policy makers, and other stakeholders dealing with truancy, may help to determine which truancy-reform measures most effectively reduce truancy rates, increase attendance rates, and ultimately

increase graduation rates. The research questions were designed to examine the perceptions of truancy administrators to assist in finding the most effective truancy-reform measures and their effects on attendance and graduation rates. Information of search terms and sources utilized in this study is presented in addition to definitions is presented in Appendix A.

Chapter Two, the Review of the Literature, includes a review of the literature related to causes of truancy, legislation aimed at reducing truancy rates, and truancy prevention programs. This chapter employs a non-traditional approach, as there currently exists no peer-reviewed literature on the topic of truancy reform. Chapter Two includes of a review of definitions of truancy, a brief history of compulsory education in the State of Texas, the history of truancy, and a review of truancy prevention programs prior to 2015. Information on the topic included literature on existing anti-truancy programs and protocols prior to the passage of Texas House Bill 2398 (HB2398) in 2015. A brief history of HB2398 and the requirements of school districts for implementation for the 2015-2016 school year. The separation of criminal and truancy courts is codified, and procedures for use of each court is established. The six significant events which shaped the face of education in the State of Texas are presented, with details on the 90 Percent Rule and Average Daily Attendance embedded. A brief presentation of the historical context of compulsory education, significant compulsory education laws, and compulsory education in Texas is presented to set the stage for truancy court processes in Texas prior to 2015. In-depth information is presented on *Failure-to-Attend-School*, *Parent-Contributing*, and *Child in Need of Supervision*, as these topics comprise the essence of the decriminalization of the truancy process. The call for truancy reform, the U.S. Department of Justice Investigation, and Texas House Bill 2398 (Truancy Reform) are also presented. Truancy Prevention

Measures as outlined by the Texas Education Agency, the four exemptions to House Bill 2398, and the *County Truancy Prevention Plan* round out the chapter.

Chapter Three consists of the methodology used and the design of the study. This chapter consists of a description of the participatory action research design used in the study. The target population and participant selection are explained and information on the categories of interview questions for Campus Truancy Administrators are also presented.

Chapter 4 consists of the reporting of the qualitative data collected during the study.

Chapter 5 includes a discussion of the results, the unexpected outcomes, and recommendations for further research.

Chapter II

Review of the Literature

Introduction

There exists an abundance of literature on the subject of truancy and on how courts, school districts, campuses, and parents have both individually and collectively worked to deter this behavior. Educators, school psychologists, practitioners, etc. have employed a myriad of interventions to effectively return students to the classroom through policy, programs, court procedures, parental intervention, or any combination thereof. While there is a considerable amount of peer-reviewed research on truancy and its related topics, there presently exists few peer-reviewed research on the specific topic of truancy decriminalization in the State of Texas.

With the passage of Texas House Bill 2398 (hereafter referred to as HB2398) on September 15, 2015, school districts and county officials scrambled to adopt a plan in accordance with the Texas Education Code 25.0916, Uniform Truancy Policies in Certain Communities were placed implementation of the bill for the 2015-2016 academic year. This action allowed for collaboration between the county District Attorney's personnel, local education agencies, and school districts as they develop individual plans to meet compliance.

The 84th Legislative Session undertook truancy decriminalization with the reconciliation of the proposed Senate and House Bills, resulting in HB2398, which was signed into law by Governor Greg Abbott on September 15, 2015. Full implementation of HB2398 by school districts within the state was scheduled to take place immediately, beginning with the 2015-2016 school year. In addition to the statute, Texas county officials

and school district personnel were provided basic information on HB2398, now codified into Texas law, as it would now be left to schools and parents to handle this issue effectively. These groups sought guidance from the Texas Education Agency (TEA) and advocacy groups, such as Texas Appleseed, to ensure their adopted approaches met state standards in their attempts to comply with the law.

The former bifurcated process of truancy prosecution will no longer be handled by both Family and Criminal courts within the State. Prosecution of truancy in Texas in criminal courts, for all practical purposes, would be eliminated, with the exception being the rare case with extenuating circumstances that would not allow for adjudication in family court. In fact, Justice-of-the-Peace Courts would now function as family courts, with only the most severe cases of truancy being culled by school administrators and referred for review by the Office of the Assistant District Attorney, which is now designated as the gatekeeper of the truancy process. The District Attorney's office would ultimately determine which cases of truancy, parent contributing to non-attendance (CIN), or child-in-need-of-supervision (CIS) would appear on the court docket.

The concept of change in United States public education is reactionary in that it moves slowly, “with all deliberate speed,” and with assistance from sources outside the realm of public education, prodding the process along the way. Fundamental structural change is largely preceded by events that are perceived to threaten the viability of the public educational system. This includes events that have not delivered upon the promises of equity in education, specifically when targeted subpopulations of students are discounted and marginalized due to race or cognitive disabilities or students who are unduly targeted by archaic laws embedded in the structure of regulations and policies that are ineffective and do not meet the needs of students

in the 21st century. Six historic events preceded public demand for fundamental changes in how occurrences of truancy or truant behaviors were managed in the State of Texas before 2015. With the inclusion of Texas HB2398, the significant six has now become the magnificent seven, and as a whole, one court decision, one orbit around the planet, one publication, and four public policy proclamations have left an imprint on public education and will continue to shape education policy now and in the foreseeable future.

Using the existing literature, this investigator can track the specific programs and remedies that were in effect before Texas HB2398 and how schools, courts, and parents utilized them to minimize truancy. As is the case with new information, it is necessary to set the stage for a thorough understanding of how truancy became such a serious issue and concern for citizens in Texas. This literature review will shed light on the difficulties encountered in defining the act of truancy and the historical importance of the fundamental six events that transformed education in the State of Texas.

The Significant Seven Events that Changed Education

Seven historically significant events have dramatically altered the educational landscape for current and future generations of students in the State of Texas with far-reaching consequences. These events were significant in federal civil rights enforcement for African Americans and other students of color and equity in accountability for disaggregated subpopulations of students on mandatory truancy reporting. The significant seven is comprised of the 1954 *Brown v. Board of Education Supreme Court Ruling*; the 1957 launch of the Russian Satellite *Sputnik*; the signing of *The Elementary and Secondary Schools Act of 1965 (ESSA)*; the 1983 publication of *A Nation at Risk* the authorization of the *No Child Left Behind Act, of 2002*;

authorization of the *Every Student Succeeds Act, of 2015*; and the passage of Texas House Bill 2398 (Decriminalization of Truancy) in 2015.

Initially viewed as separate, unrelated events when taken at face value, the chronological linking of the seven events plays a vital, connected role when viewed within the scope and perception of equity and equality of educational opportunity. Ground-breaking changes in state laws and social customs were implemented following the United States Supreme Court's 1954 unanimous *Brown* decision, which struck down decree of *separate but equal* in access to educational opportunities in public schools. According to McGuinn and Hess (2005), the Court's acknowledgment of the decades-long struggles of African Americans "gave rise to a public conception of education as the birthright of a free citizenry" (p. 290). The 1957 launching of the Soviet Union's orbiting satellite *Sputnik* showed a spotlight on the need for Americans to look upon educational achievement through the prism of national defense preparedness.

According to McGuinn and Hess (2005), the Cold War competition between the United States and the USSR laid bare the inadequacies in U.S. secondary education, when it was revealed, that Soviet students were more prepared in the areas of math, science, and foreign language instruction. As a result, the passage of the National Defense Education Act (NDEA) of 1958 provided targeted federal aid to the states in an amount of less than \$1 billion (McGuinn & Hess, 2005). With NDEA contributing two percent to 1960 federal entitlement, the role of the federal government in enhancing, not supplanting, state programs were cemented (McGuinn & Hess, 2005). Signed into law by President Lydon B. Johnson, the passage of the Elementary and Secondary Schools Act of 1965 (ESSA) was the first major legislative attempt at expanding the Federal government's role in education.

Brown Versus Board of Education (1954)

Before 1954, by custom and law, segregation was the societal norm by which white and black citizens lived. Through the enactment of Southern “*Black Codes*,” which were established in 1865-1866 by Southern legislatures, every aspect of life for African-Americans was strictly controlled, from where a person could live, work, and even marry Goodman, 1912, p.10). The United States Supreme Court ruling in *Plessy v. Ferguson* in 1896 held that racially segregated public facilities were legal, so long as the same facilities were made available for both white and black citizens (Rauf & Fireside, 2016). *Plessy* constitutionally sanctioned laws restricting or barring African Americans from sharing public facilities and established the “*separate but equal*” doctrine under Jim Crow laws (Rauf & Fireside, 2016). *Jim Crow* laws were codified and detailed the consequences meted out for interactions between white and black citizens.

On May 17, 1954, the landmark United States Supreme Court case *Brown v. Board of Education* was instrumental in outlawing segregation in public schools nationwide. The Supreme Court ruled that segregating children on the basis of race was unconstitutional (Ford & King, 2014). The ruling signaled the end of legalized racial segregation in United States public schools, overruling the “*separate but equal*” principle set forth in the 1896 *Plessey v. Ferguson* case (Ford & King, 2014). In nullifying *Plessey*, *Brown* ushered the United States into ensuring equal protection under the law applied to each individual and that the Equal Protection Clause of the Fourteenth Amendment was in effect. The Equal Protection Clause is located at the end of Section 1 of the Fourteenth Amendment and reads as follows:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens

of the United States; nor shall any State deprive any person life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (U.S. Const. amend XIV, §1).

State governments directly violated the equal protection clause in the employment of ‘separate but equal’ aspects of legal segregation. The due process clause of the Fourteenth Amendment clearly states, “No individual may be denied his legal rights, and all laws must conform to fundamental, accepted legal principle” (U.S. Const. amend XIV).

In its unanimous 1954 decision, the Warren Court ruled, “We conclude that in the field of public education, the doctrine of ‘separate but equal’ has no place” (*Brown v Board, 1954, para. 14*). The Court ruling for *Brown* held that separate accommodations were inherently unequal and thus violated the Fourteenth Amendment’s equal protection clause. This landmark decision desegregated public schools in the United States and legally opened doors of opportunity for African-American children throughout the land.

The Launch of Sputnik (1957)

The launching of the Soviet space satellite *Sputnik* on October 4, 1957, was a significant watershed event for public education in the United States. Having beaten the Americans in the space race to be first to enter the realm of outer space, Russia served notice to the world that their system of state-controlled schools was producing scientists and engineers who were capable of accomplishing the feat of launching a satellite that transmitted data back to the Earth (Herold, 1974). In the minds of many, the United States found itself second-best in the space exploration race because its educational system was perceived as second-best (Herold, 1974). The threat to

the United States' national security and the additional perceived inferiority of the United States public education system forced the nation to react (Powell, 2007).

“A search for the reasons for the American predicament began immediately and became a favorite pastime of the mass media. Although opinions varied, the consensus among informed observers was that the Russians had put a much greater emphasis on rocketry and getting into space first than the United States” (Herold, 2007, p.144).

Sputnik was a “wake-up call” and served as a “focusing event that shone a spotlight on a national problem which, in the minds of many, was identified as public education” (Powell, 2007, para. 7). So shaken was the United States by the *Sputnik* launch that Congress took action in 1958 through the National Defense Act, which increased funding for education at all levels, with a focus on scientific and technical education (Powell, 2007).

The Elementary and Secondary Education Act of 1965

The Elementary and Secondary Schools Act (ESEA) of 1965 was a pivotal part of President Lyndon B. Johnson’s “War on Poverty” and one of the key legislative achievements of his Great Society campaign (Paul, 2016, p. 1). It was first enacted as part of a package of programs aimed at combating poverty, known as the “Great Society.” (Alford, 1965).

Acting upon the national outpouring of goodwill following the assassination of President John F. Kennedy, Johnson, a former schoolteacher, Congressman, Senate Majority Leader, and Vice-President, sought to capitalize on Kennedy’s social progress agenda and the passing of the Civil Rights Act of 1964 (Paul, 2016) This civil rights platform, in which he was determined to level the playing ground for all children in the United States regardless of socio-economic status was the first of many education policy acts to be implemented in the future which shaped

national policy on delivery of education services and federal compliance (Gamson, McDermott, & Reed, 2015).

ESEA was comprised of a series of titles designated where the funding would be spent. Title I is a program created by the United States Department of Education to facilitate the distribution of funding to schools and school districts with a high percentage of low-income families (Poston, 1979).

Under the scope of *ESEA*, there were a series of entitlement programs that shaped public education in its current state and designated where federal funding would be spent. The Title I program was created by the United States Department of Education to facilitate the distribution of funding to schools and school districts with a high percentage of low-income families (Poston, 1979). Title I was responsible for support for preschool programs, school libraries, and textbook acquisition (Poston, 1979). Title II dealt primarily with adult education and was better known as the *Adult Education Act of 1966*, which allowed for the continuing operation of programs when the academic year ended and provided special education and related services in rural areas. Title IV (funding for collegiate research), Title V strengthens the authority of State Departments of Education and allocates funding to support local initiatives, and Title VI extends provisions to disabled children to ensure they have access to free and appropriate public education (FAPE) (Poston, 1979).

Title I would continue as the framework for federal assistance to public education until the No Child Left Behind Act of 2002 was signed.

Public Law PL 107-110 No Child Left Behind Act was signed into law by President George W. Bush on January 8, 2002. Officially entitled the *Elementary and Secondary*

Education Act, Congress reauthorized the Act under the popularly titled bill, the *Every Student Succeeds Act* (ESSA) which was signed into law on December 10, 2015, by President Barack Obama (Klein, 2016). ESSA significantly reduces the federal government's role in education. Monitoring of truancy data is a federally mandated requirement under the *Every Student Succeeds Act*, which replaced the reauthorized Elementary and Secondary Education Act, commonly referred to as *No Child Left Behind* in 2015 (Klein, 2016).

Publication of A Nation at Risk (1983)

A Nation at Risk was published in 1983. This report was a clarion call similar to the *Sputnik* launching, as it shed light on public educational systems that were not meeting expectations. The report was an indictment on education officials, school leaders, and the American public for accepting complacency in public education (U.S. Department of Education 2008).

Our society and its educational institutions seem to have lost sight of the basic purpose of schooling and the high expectations and disciplined efforts needed to attain them. This report, the results of 18 months of study, seeks to fundamentally reform our educational system and renew the Nation's commitment to high-quality schools and colleges throughout the length and breadth of our land (National Commission, 1983, p. 9).

Based upon reaction to *Sputnik*, the publication of *A Nation at Risk*, which examined the weaknesses embedded within public education, America was formally introduced to the concept of high-stakes measures, such as standardized testing, to demonstrate that schools were meeting or exceeding expectations. This is evident through reports from The National Assessment of Educational Progress (NAEP), which has analyzed and reported on state testing results since

1990. Information obtained from NAEP, while reporting on how states performed on specific criteria, neither disaggregated information nor reported publicly on individual school districts (Bourque, 2009).

According to *A Nation Accountable: Twenty-Five Years After a Nation at Risk*, public education was transformed as states developed content standards and assessments informing concerned stakeholders about educational progress (Denning, 1983; U.S. Department of Education, 2008). With the signing of the *No Child Left Behind Act of 2001*, the expansion of standardized testing in primary grades, the emphasis placed upon highly-qualified classroom teacher-of-record with yearly content-specific in-services and training, and the placement of mandatory accountability measures and safeguards ensuring equity for sub-populations, such as economically disadvantaged, special education, English-language learners, and racial and ethnic minorities, public education was strengthened based upon quantifiable evidence (U.S. Department of Education, 2008). Teacher organizations such as the American Board for Certification of Teacher Excellence (ABCTE) and the National Council on Teacher Quality (NCTQ) promoted alternative paths to teacher certification, as well as the highly touted Troops-to-Teacher initiative, which was designed to encourage high-achieving professionals who would not typically consider entering the education field (U.S. Department of Education, 2008)

Since 1983, public education has transformed itself into a nationwide standards-based, accountability-driven entity determined never to be accused of complacency. It is noted, however, that while *A Nation at Risk* and *A Nation Accountable: Twenty-Five Years After a Nation at Risk* provided information and updates on dropout rates and the cost to society associated with it, there is no mention of truancy in either report (U.S. Department of Education

1983, 2008). It is unclear why there is no mention of truancy, and it may be due, in part, to a recognition of each state's interpretation of what constitutes truancy.

Authorization of the No Child Left Behind Act (2002)

Signed into law on January 8, 2002, by President George W. Bush, the *No Child Left Behind Act of 2002 (NCLB)*, officially known as Public Law 107-110 and abbreviated to P.L. 107-110, is the reauthorization of the *Federal Elementary and Secondary Education Act (ESEA)* originally authorized in 1965 under President Lyndon B. Johnson's "War on Poverty" social agenda (Schugurensky, 2015). In conjunction with state-based initiatives, NCLB shaped the educational landscape in the United States for 15 years. The *NCLB Act* reauthorizes the ESEA, incorporates the principles and strategies proposed by President Bush. These include increased accountability for State, districts, and schools: greater choice for parents and students, particularly those attending low-performing schools; more flexibility for state and local educational agencies (LEAs) in the use of federal education dollars; and a stronger emphasis on reading, especially for our youngest children (U.S. Department of Education, 2005).

The *No Child Left Behind Act* was designed to challenge and change the culture of America's public schools by ensuring equity in educational opportunities through the process of closing the achievement gap faced by diverse student subpopulations that had not experienced academic success or who were "left behind" (U.S. Department of Education, 2001). President Bush emphasized his deep belief in our public schools but an even greater concern that "too many of our neediest children are being left behind," despite the nearly \$200 billion in Federal spending since the passage of the *Elementary and Secondary Education Act of 1965 (ESEA)*, (U.S. Department of Education, 2001).

Subpopulations that were traditionally less successful than their peers at achieving academic attainment included ethnic and racial minorities, special education students, economically disadvantaged students, English-language learners, etc. (Klein, 2015). *NCLB* mandated enhanced levels of state accountability through the issuance of state report cards (Texas Education Agency, 2012). Section 111 (h) (2) requires each local education agency (LEA) that received Title I, Part A funding to disseminate specific LEA and campus-level data to all LEA campuses, 2) parents of all enrolled students, and 3) to make the information widely available through public means such as posting on the internet, distribution to the media, or distribution through public agencies (Texas Education Agency, 2012). These report cards indicated areas where the states had fallen short of intended goals (Texas Education Agency, 2012).

In addition to reporting on affected subpopulations, *NCLB* required all states to collect and report on state test results for reading and math as well as one “other” indicator (Thompson & Barnes, 2007). The majority of States, including Texas, used this category to report attendance (Thompson & Barnes, 2007). However, the Education Commission for the States notes that attendance rates do not always reflect truancy because attendance rates include excused and unexcused absences. Truancy rates are reported to the federal government but are not required by *NCLB* to be reported in state, district, and school report cards or used when measuring Annual Yearly Progress (AYP) (Thompson & Barnes, 2007).

As reported by the Goldstein (2015, para. 10), President George W. Bush stated that at a January 2004 event to mark *NCLB*’s second anniversary, he “wanted to highlight the importance of truancy and parental involvement” while emphasizing the report card component embedded into the law. President Bush was quoted as saying, “There’s nothing like test results being

published to get the attention of a parent...It encourages the parent to become involved” (Goldstein, 2015, para. 10). Further, the Bush administration went on to “promote a truancy agenda much harsher than simply providing parents with information on their children’s education” (Goldstein, 2015, para. 10).

While hosting the first-ever National Truancy Prevention Conference, Secretary of Education Rod Paige called for a “crackdown” on school absence and stated further:

“A major focus of the *No Child Left Behind Act* is to keep kids in school. How? First, by dragging truancy out of the shadows,” ...and acknowledging that “by the time truants reach the criminal justice system, it is often too late” (Goldstein, 2015, para. 10).

Under *NCLB*, the goal for each local education agency was to meet federal Adequate Yearly Progress (AYP) standards. Accordingly, states were required to test students in math and reading in grades 3-8 and at least once in high school (Klein, 2015). Schools were required to report on the performance of different groups of students such as racial minorities, English-language learners, economically disadvantaged, and special education students, as well as the student population as a whole (Klein, 2015).

Authorization of the Every Student Succeeds Act (2015)

President Barack Obama signed the *Every Student Succeeds Act* (ESSA) into law on December 10, 2015. This Act ended mandates under *NCLB* and ushered into law a federal accountability measure that focuses on chronic absenteeism. According to the Rider 66 Truancy Data Report submitted to Texas Governor Gregg Abbott from the Texas Education Agency, *ESSA* requires the reporting of chronic absenteeism. The memorandum defines chronic absenteeism as the unduplicated number of students absent ten percent or more of school days during the school year. Additionally, chronically absent students include students who are absent

for any reason (e.g., illness, suspensions, the need to care for a family member), regardless of whether absences are excused or unexcused (TEA, 2017). *ESSA* requires that states report chronic absenteeism rates and allows school districts to spend federal dollars on in-service training to reduce absenteeism (ESSA, 2015).

The Federal *Every Student, Every Day* Initiative under ESSA encourages school districts to take a proactive approach to chronic absenteeism by using “triggers,” which notify administrators when students have missed ten percent of the school year (ESSA, 2015). In addition to triggers, *ESSA* encourages the adoption of a common ten percent of the school year, although the requirement does not directly align with interventions utilized by numerous states (ESSA, 2015). *ESSA* goes further than any other federal initiative in that it encourages school districts to allocate at least one percent of Title I federal funds to notify parents and address the impact of chronic absences by grade level (ESSA, 2015). Unlike the use of ADA under *NCLB*, reporting by grade level affords school districts the opportunity to target interventions to the students who need the assistance. In this application of *ESSA*, actual attendance data patterns are not masked by near-perfect or perfect attendance by students in different grade levels (ESSA, 2015).

Historical View of Compulsory Education in the United States

The United States became the second country to establish a compulsory education system, as Prussia preceded it during the early modern era in 1524. Horace Mann, the Secretary of the Massachusetts Board of Education from 1837-1949, was instrumental in creating the first compulsory attendance law in America, which was adopted in Massachusetts in 1852. His religiosity spurred many moving speeches, and he was known to advocate for schooling all children, especially the heathen or nonbelievers. Massachusetts was the first state to require children to attend school from the ages of 8-14 for a period of 12 weeks each year (Jernegan,

1918). However, by 1884, only one-third of students who were required to attend school, attended (Rohrman, 1993).

The educational legislation of these colonies shows that the various assemblies sought two main ends, namely, compulsory education and compulsory schools. The first contemplated a minimum of education of all children, to be given by parents, masters, or someone employed by them for this purpose (Jernegan, 1918). The Massachusetts Act of June 14, 1642, was the first general educational act of this character passed by any of the colonies. Briefly, it declared that there had been great neglect by many parents and masters in training their children in learning and labor and other employments which might be profitable to the commonwealth (Jernegan, 1918).

Compulsory school attendance laws began with Massachusetts in 1852. Other states in New England and the North followed more quickly than the South, but by 1918 (when Mississippi passed the law) all states had made attendance compulsory (Jernegan, 1918). The State of Connecticut found the Massachusetts Law of 1648 fit her needs for compulsory education and compliance, and thus, considered that there was no need to spend time and effort in drafting a new law. Therefore, the state adopted the compulsory act in its entirety (Jernegan, 1918, p. 44). By 1671, all of the territory of New England, with the exception of Rhode Island, had incorporated some form of compulsory education into its governance (Jernegan, 1918).

Other states followed Massachusetts' lead until 1918, when the last of the states, Mississippi, passed its compulsory education law (Wiebe, 1969). While each state was responsible for the enforcement of its own compulsory education laws, enforcement was not encouraged until after 1890. During this time, school officials or parents could

determine exceptions to mandatory attendance: such exceptions included attendance at another school during the same time frame or equal amount of hours per day; verifiable proof of mastery of subjects' matter by the student; the existence of a high poverty level and within the family, therefore, requiring the primary providers absence from school; and a physical or mental disability that would prevent the student from being able to perform the tasks at school. Additionally, another proof was children in their later years of high school had the right to elect to join the workforce (U.S. Bureau of Labor Statistics, 2017), although the age varied by state (Keim. 1975).

Compulsory laws aimed to achieve universal school attendance and were primarily directed at lower-class and immigrant families who did not already send their children to school. For example, the Rausher (2015) reported that it “must be borne in mind that the law applies to children of tender years, whose right it is to have schooling. If the misfortune or shiftlessness of parents has resulted in poverty, shall the burden of this fall upon young children?” (p. 44). Opposition to compulsory schooling reportedly came from the lawless and criminal classes; from the idle and shiftless; from those who take no interest in the education of their children, or care nothing for them, but to get work out of them; and, of course, from those who have felt the penalties of the law” (Rauscher, 2015, p. 44).

Historical View of Compulsory Education in Texas

Compulsory education in Texas began long before its admission to the United States. In 1938, Texas Republic President, Mirabeau B. Lamar, often referred to as the “Father of Education in Texas,” advocated setting aside public domain for public schools (Berger & Wilborn, 2021). Shortly thereafter, Congress designated three leagues of land to support public

schools for each Texas county and 50 leagues for a state university (Berger & Wilborn, 2021). In 1840, the first Anglo-American public-school law in Texas was enacted and, in 1845, the state's constitution dedicated one-tenth of the annual state as perpetual funds to support free public schools (Texas Education Agency, 2015, para. 2).

Historical Context of Compulsory School Attendance

Much like the political concept of "democracy" was deemed revolutionary during the founding of America, the concept of compulsory education was also revolutionary, as its laws prescribed how parents primarily reared their children, what they would be taught, and how meted punishments would be applied to parents for non-compliance. Compulsory attendance laws were held up to intense scrutiny of the courts and played a critical role in how state governmental agencies impacted the lives of ordinary citizens.

The legislative movement of compulsory education and attendance dates back to 1642 with the implementation of The Child Literacy Law, which was considered the first law requiring formal schooling for children (Ensign, 1969). Ensign (1969), in summarizing the law, states, "It sums up the English procedure regarding the instruction of the children of the poor in productive industry, ...extends the requirement to include all children; it enjoins upon the towns the duty of holding children steadily to their tasks; gives directions for dealing with delinquency; and for the first time in English history provides for the literary instruction of every child" (p. 20). Having set the stage for schooling of all children, regardless of social class or economic status, The Child Literacy Law served as the legislative bridge to The Compulsory School Law of 1647, commonly referred to as the Old Deluder Satan Act.. The four key provisions of this law are cited by Ensign (1969) as the following:

1. "A master able to teach reading and writing in every community of fifty families;

2. (The establishment of) a grammar school in every town of 100 families with a master a able to prepare the boys for admission to the university;
3. Teachers to be paid either by parents or masters or by means if general tax;
4. (The assessment of) a penalty of five English pounds upon any community failing to meet the terms of the law” (Ensign, 1969, p. 23).

The rationale for compulsory education is deeply rooted in the State of Massachusetts, being the first state to ponder the issue of compulsory education, and it set off a long and winding road of trial and error, attempting to codify what compulsory education was and what it was not. “There is a distinction made between two forms of compulsory education: synonymous with compulsory attendance of all children, between certain ages, for a definite time and organized institutions of learning usually called schools” (Jernegan, 1918, p. 32). It should be noted, however, that schools were not identified as an agency: it was generally understood that the parent, master, or guardian would provide the instruction or face the consequences for failure to comply with the law (Jernegan, 1918, p. 32).

Compulsory School Attendance in Texas

Compulsory school attendance laws determine the number of days students must be in attendance. The Texas State University (2015) notes that legislators initially required students to attend school for 60 days during the 1916-1917 school year. Legislators amended the law to include a minimum of 80 days of classroom attendance during school 1917-1918 and 100 days in the 1918-1919 school year and subsequent academic years (Texas State University, 2015,1916.)

Beginning in 1970 to the present, the Texas State Board of Education (TSBE) mandated that students attend a minimum of 180 days of classroom instruction. From the initial implementation of compulsory attendance laws, parents were held responsible for their students’

school attendance and were likely to face fines if the students were found to be guilty of truant behavior as adjudicated in family court.

According to Texas Education Code (TEC) §25.085, 180 days of compulsory attendance applies to students who are at least six years old as of September 1 of the applicable school year and not more than 18 years of age (Texas Education Code (TEC) Section §25.085, 2006). Further, effective in 2017, the law now requires students to attend public school until the student's 19th birthday unless the student is exempt under TEC §25.086 (Texas Education Code (TEC) Section §25.085, 2005). In addition, TEC §25.092 stipulates that students physically attend 90 percent of instruction time, which affords secondary high school students the ability to complete credits necessary for graduation (Texas Education Code (TEC) Section §25.085, 2021)). Under §65.003, of the Texas Family Code (TFC), truant conduct is committed by a student who is twelve years of age or older and younger than 19 years of age (TFC, 2015).

Definitions of Truancy

As public education of citizens is a function of government left to individual states, the requirements for compulsory attendance and what criterion constitutes truancy varies drastically. It is plausible there may exist more than 50 definitions of truancy in each state, and the number of definitions may increase exponentially, as local educational agencies have the autonomy to set policy and guidelines defining the criterion which constitutes an absence, an excused absence, truancy, chronic truancy, or chronic absenteeism (Baker, Sigmon, & Nugent, 2001).

Some definitions of truancy are simplistic, such as, "the absence of a child from school without permission," (American Heritage Dictionary of the English Language, 2016), and, "someone who stays away from school, etc. without permission" (Cambridge

Advanced Learner's Dictionary and Thesaurus, 2022). There even exists a definition of truancy which defies logic, "an excused absence" (The American Heritage Roget's Thesaurus, 2022).

With there being no national or standard definition of truancy, reporting data on the topic is problematic. According to Texas Appleseed, state data may not accurately reflect the rate or occurrence of truant students, as average daily attendance (ADA) includes those students with perfect or near-perfect attendance, and as a result, the data is skewed (Fowler, 2015).

As utilized in this study, the term truancy is defined as follows:

"The accumulation of unexcused absences in excess of those allowed by state law (Fowler, 2015). If a student is absent without an excuse by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator in charge, it will be considered an unexcused absence and the student shall be considered truant" (Seeley & MacGillivray, 2006).

Brief History of Truancy

Truancy has traditionally been viewed as a societal problem that can be deterred through various programs, monetary resources, and court intervention. The evolution of school attendance from a voluntary action to compulsory attendance mandated through legislation began shortly after the rise of the Industrial Revolution in the United States more than a century ago. While the phenomenon of free public schooling now seems commonplace in the Western Hemisphere, its roots are found in the

groundswell of religious orders, churches, politics, and philanthropic organizations that sought to provide schooling to the very rich and later to the impoverished to squash rising tides of resentment and possible revolution of constituents who felt neglected or abandoned by the political process.

The Ninety Percent (90%) Rule and Average Daily Attendance

In 2006, the Texas Education Agency (TEA) implemented what has now become known as “The Ninety Percent (90%) Rule” (TEA), 2006. Found in Section §25.092, where provisions of the law stipulate the conditions of awarding credit based upon a student’s attendance and a passing course grade (Texas Education Code (TEC) Section §25.092, 2021), “The Ninety Percent Rule” applies to a student in any grade level from kindergarten through grade 12, and stipulated students must attend 90% of school days (Texas Education Code (TEC) Section §25.092, 2021).

While States report attendance based upon ADA rates, Texas students are required to attend school ninety percent of the time they are enrolled during any given semester (Texas Education Agency, 2015). The Ninety Percent Rule became the vehicle by which school districts could monitor student attendance and flag students who were absent, chronically absent, or truant (Texas Education Agency, 2015).

The 90% Rule, §Section 25.092 reads, in part:

“Except as provided by this section, a student in any grade level from kindergarten through grade.12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered” (Texas Education Agency, 2015, p. 41).

Students who are chronically absent are referred to the School Attendance Officer (Truant Officer) under §25.091 and §25.095. Under these guidelines, the statute authorizes an attendance officer to refer a student to juvenile court or to file a complaint in a county, justice or municipal court only for “unexcused absences” (Texas Education Agency, 2015, p. 42). However, the Ninety Percent Rule, while effective in serving as a deterrent to truant behaviors, also allows for masking of student’s actual truancy rates by having their absence or truancy included amongst those students who had perfect or near-perfect attendance (Texas Education Agency, 2015, p. 42). In addition, documentation obtained from Education Commission for the States (2007) state that *NCLB* allowed attendance to be used as a secondary measure for evaluating AYP, but States have their own definition of truancy and most only count unexcused absences. In a memorandum dated January 6, 2017, from the Texas Education Agency to Governor Gregg Abbott in reference to Rider 66: Truancy Data Report:

“The Texas Education Agency has collected truancy data from schools since the 2003-2004 school year due to a federal reporting requirement associated with the *No Child Left Behind Act (NCLB)*, The data collected included truancy (*failure-to-attend*) due to the following reasons:

1. parenting contributing to truancy,
2. student with at least three absences,
3. student with 10 absences, and
4. student failure to enroll” (Texas Education Agency, 2017, para. 1).

The 2015-2016 school year was the last year that the requirement was in effect as *NCLB* was rewritten and truancy data is no longer required for reporting purposes. TEA can only collect data that is statutorily required” (Texas Education Agency, 2017).

Under state law, Texas Education Code (TEC) §42.006(b), every Texas school district is required to adopt an attendance accounting system that included procedures that ensure the accurate taking, recording, and reporting of attendance data (Texas Education Agency, 2017, p. 17). It is further noted that references to school days have been converted to minutes in accordance with House Bill 26110 of the 84th Texas Legislature, 2015” (Texas Education Agency, 2017, p. 17).

According to 20 USCS §7801 (1) (A) the term “Average Daily Attendance (ADA) means: “(i) the aggregate number of days of attendance of all students during a school year; divided by (ii) the number of days school is in session during that year,” (Texas Education Agency, 2015, p. 42). As *NCLB* focused primarily on academic achievement (specified grade-targets in reading and mathematics,) and there being no universal definition of what constituted truancy or truant behavior, few districts reported accurate truancy data, if they reported the data at all.

Mandatory Reporting by TEA

Texas public school districts must monitor student attendance as it is tied directly to district and campus financial allocation. Created in the 1980s, the Texas Education Agency established the Public Education Information Management System (PEIMS). One of the largest education data bases in the world, PEIMS serves not only as a data base of student demographic information, it also assists researchers and the public at large with access to the management of 1,200 school districts and charter schools (TEA, 2018). State spending, and implementation of legislation is also tracked through PEIMS (TEA, 2018). PEIMS can be effectively monitored at the campus and can assist school administrators in tracking truant activity. Student demographic information collected in PEIMS include student academic performance and history, family

information, special population membership, and socio-economic status (TEA, 2018). Collection and reporting of truancy data is mandated by Texas Education Code §37.020 and is found in the 425 Disciplinary Action Data (TEA, 2018). A 425 Student-Disciplinary Action Record on the data reflects the incident of truancy for which the local education agency has filed charges against the student and/or the student's parent/guardian (TEA, 2018).

The Elementary and Secondary Education Act (ESEA) was first enacted in 1965 under President Lyndon B. Johnson as part of a package of programs aimed at combating poverty, known as the "Great Society." The *No Child Left Behind* edition of the law was signed by President George W. Bush in January 2002 (U.S. Department of Education [USDE], 2005). Officially entitled the *Elementary and Secondary Education Act*, Congress reauthorized the Act under the popularly titled bill, the *Every Student Succeeds Act* (ESSA) (Klein, 2016). was signed into law on December 10, 2015, by President Barack Obama. ESSA significantly reduces the federal government's role in education. Monitoring of truancy data is a federally mandated requirement under the *Every Student Succeeds Act*, which replaced the reauthorized Elementary and Secondary Education Act, commonly referred to as *No Child Left Behind* in 2015 (TEA, 2019).

In accordance with the *Every Student Succeeds Act*, school districts must report on student attendance (Klein, 2016,). With implementation slated for the 2017-2018 school year, ESSA empowers states to set their own accountability standards within the parameters of the law and requires states to report chronic absence data (Attendance Works, 2016). Additionally, ESSA allows states to choose at least one indicator of four upon which school quality is measured (Attendance Works, 2016). Chronic absenteeism, defined as missing 10 percent of

school days within one academic year, for any reason, is cited as an early warning predictor of student performance (Attendance Works, 2017).

Mandatory Time per Year

Prior to 2017, the Texas State Board of Education (TSBE) mandated that students were required to attend school for a total of 180 calendar days of classroom instruction (TSBE, 2017). However, the 85th Texas Legislative Session changed requirements from 180 days to 420 minutes of operation and average daily attendance ([ADA] (TEA, 2017) in order to comply with House Bill 2442. HB 2242 repealed the seven-hour (420 minutes) school day requirement referenced in TEC §25.082. According to TEC §25.093, §25.094, and §25.0951, compulsory attendance could be enforced by a local education agency when a student accrued ten or more absences in a six-month time frame. School districts had three options with which to initiate action or file upon the parent, the student, or both. These options included: (a) initial action against the student in municipal or family court for failure to attend school, (b) initiate action against the parent(s) for contributing to nonattendance, or (c) initiate a Child in Need of Supervision complaint in juvenile court (Fowler, 2015).

Absenteeism Versus Truancy

Absenteeism, including chronic absenteeism, and truancy are two diametrically opposed concepts. According to the literature, absenteeism can be defined in multiple ways. “Absenteeism interrupts the learning process. The educational system is founded on the assumption that students will attend school” (Demir & Karabeyoglu, 2015 p.39). When students do not attend school, they run the risk of not passing school courses, being sent to truancy court, and having fines assessed, and, more importantly, they place themselves at risk of not graduating from high school, thus significantly reducing their options for success in the future. Further,

Demir & Karabeyoglu (2015) agree that “absenteeism is not only an indicator of low academic achievement but also a strong indicator of diminished social and life success” (p.39).

According to Williams (2001), absenteeism occurs in high numbers due to chronic illnesses and family crises” (p.1), while & Russo & Talbert-Johnson (2013) state, “Student absenteeism is a complex problem of critical magnitude that requires consistent and effective interventions” (p. 37). Demir & Karabeyoglu. (2015) refer to absenteeism as “not attending school without a legitimate reason” (p. 39).

Gentle-Genitty, Taylor, and Renguette (2020) define absenteeism as “the study of the various forms or interplay of policies and procedures governing attendance ranging from presence to absence and all its corollary constituents, outcomes, interventions, and consequences” (p.1).

One reason it is challenging to define absenteeism is due to the multiplicity of definitions. The above-mentioned definitions are not specific and may misinform individuals as to their obligation to have students attend school. What qualifies as absenteeism in one state may be perceived as something totally different in another.

In the State of Texas, absenteeism is defined as: “The failure of a student to attend school without an excuse on ten or more days or parts of days within a six-month period in the same school year” (Texas Family Code §65.003(a), 2022) This definition is quantifiable and does not lend itself to questionable interpretations.

Chronic absenteeism, and truancy are not interchangeable terms. Chronic absenteeism refers to missing 10% or more of an academic year (Russo & Talbert-Johnson, 2013 p. 37). Russo & Talbert-Johnson (2013) further state that “chronic absenteeism is a strong and overlooked indicator of risk factors for students, which may lead to their becoming disengaged,

failing, and dropping out of school” (p. 37). Nauer (2016) states that students are considered “chronically absent if they’ve missed 10% or more of their school year on any given day” (p. 31).

Truancy is a term that generally refers to a specific number of days in a defined period of time. Russo & Talbert-Johnson (2013) describe truancy in the following words:

Truancy is often associated with problems in academic achievement, school completion, social adjustment, post-school outcomes, and other socioeconomic problems, such as lower employment opportunities and pay and increased chances of living in poverty (p. 38).

Kearney, González, Graczyk, and Fornander. (2019) define truancy as “One of the oldest terms for school attendance problems and refers generally to illegal, unexcused school absenteeism. Truancy is a term often utilized by school districts and/or large entities to construct policies and definitions, such as ten unexcused absences in a given semester or 15-week period that trigger some legal, punitive, or administrative consequence” (p.3).

The State of Texas is clear as it is codified under Texas Education Code §25.085.086 as “A child engages in truant conduct if the child is required to attend school under Sec.25.085, Education Code, and fails to attend on ten or more days or parts of days within a six-month period in the same school” (Texas Family Code §65.003(a), 2015).

Chronic Absenteeism

Under the Every Student Succeeds Act of 2015 (ESSA), the word truancy has been retired along with artifacts of the past, to include chalk, the mimeograph, and blackboards, and replaced with the more benign phrase, *chronic absenteeism*. Under ESSA, chronic absence is defined as missing 10 percent of school days within one academic year for any reason (Attendance Works, 2015). This definition is very similar to that used to define a truant student

in the State of Texas, with the only difference being truancy acknowledges unexcused absences only. ESSA ended mandates under NCLB and ushered into law a Federal accountability measure which gives more freedom to states to tailor their education policies to local needs (The Brookings Institution, 2015).

ESSA requires that states add at least one measure of student success to their accountability systems (Brookings Institution, 2016). As reported in the Hamilton Project paper, underwritten by the Brookings Institution, the argument is made that there are "many compelling reasons that states should adopt chronic absenteeism as the "new measure of school quality of student success' and sharpen their focus on chronic absenteeism as an ESSA indicator" (2016).

According to information from the U.S. Department of Education, Office for Civil Rights (2015), all districts must report to its Civil Rights Data Collection Division the percentage of student in each school who miss 15 or more days. In addition, the information must also be included in school report cards (U.S. Department of Education, Office for Civil Rights, 2015). Chronic absenteeism is one school quality or student success indicator in which the information is available in all states and therefore can be reported to the federal government, as states must comply with policy guidelines in order to qualify for federal assistance (Attendance Works, 2015).

Compliance with federal mandates now includes the reporting of chronic absenteeism as a measure in needs assessments and school improvement plans, and that the information is easily quantified and interpreted (Attendance Works. 2015). While Nyangoni (1992) defines truancy as "absence from school or an educational facility, by a school-aged person, with or without parental consent and without a valid reason" the State of Texas does not include unexcused absences sanctioned by parents.

Law Prior to 2015: Criminal Court Process

Prior to September 1, 2015, prosecution of truancy in the State of Texas occurred under two different processes in the judicial system: a) criminal court, or, b) juvenile court (State of Texas, Office of Court Administration, 2015). Students who failed to attend school found themselves prosecuted under the concept of "*failure-to-attend-school*." *Failure-to-attend-school* cases were prosecuted as criminal cases (Texas Education Code §Section 15.094), under the *Failure-to-Attend* clause (State of Texas, Office of Court Administration, 2015). In this instance, the offense of *failure-to-attend-school* is handled primarily by Texas Justice and Municipal Courts and sanctions apply to students between 12-18 years of age and resulted in the issuance of a Class C misdemeanor.

After the accumulation of ten unexcused absences, students received a summons to appear in court and were placed on the court docket. Once in court, students were sworn-in by the Court Bailiff and were asked how they plea to the *charge of failure-to-attend-school*. The options given to students were either, *guilty*, *not guilty*, or *no-contest*. Once sworn-in by the Bailiff, the student entered a plea of either *guilty* or *no-contest*. They were instructed to answer questions pertaining to their whereabouts on the dates in question based upon a docket presented to the Assistant District Attorney through the campus Truancy Administrator or Assistant Principal charged with attendance compliance.

Students who pled *not guilty* to the charge *of failure to attend school* were issued a continuance by the Justice-of-the-Peace and placed on the docket for a trial date to be determined by the court.

Students were given the option of having either a bench or jury trial and were advised that they would have to obtain legal counsel. While the services of a court interpreter were made available at the beginning of the court session for students and

parents who either did not understand, write, or speak English, it was made clear through the interpreter that the county would not provide legal counsel.

Justices-of-the-Peace, after hearing both student and campus administrator's testimony, ruled on the case, finding either *truant behavior* or *no truant behavior*. Those students who were found to have engaged in truancy behaviors were then fined an amount not to exceed \$592.00 per filing, per student.

These students constituted the majority of students who walked away from court with a Class C Citation for *failure-to-attend* school.

Students cited and fined for truancy were then expected to return to their campus without any additional academic support, interventions, or counseling. These students were most likely to continue to accumulate absences and be referred to truancy court multiple times during the course of the school year. Unfortunately for these students, loss of credit policies was enacted upon their tenth unexcused absence, thereby subjecting them to spending additional time in Saturday School and tutoring sessions in order to recoup lost credits.

Having fallen behind on credits, being found guilty of truancy, and assuming they were out of viable options, students who were chronic truants were faced with limited options, including pursuit of a General Education Diploma (GED) on their own accord, being court-mandated to pursue a GED, or simply dropping out of school under their own volition (at age 18), or by attendance office personnel, under Public Education Information Management System (PEIMS) Code 98 (Texas Education Agency, 2014).

Parent Contributing and Child in Need of Supervision

Students and their parents continuously find themselves locked into meetings with administrators charged with the offense of either parenting contributing to non-attendance (commonly referred to as *parent contributing*) or child in need of supervision (*CINS*). A parent who was filed against under either charge was subjected to the same court procedures as their child and was asked for his plea of either *guilty*, *not guilty*, or *no contest*. A parent pleading *not-guilty* to either *parent contributing* or *CINS* were advised by the Justice of the Peace of his need to retain legal counsel at his own expense. A parent who preferred to receive instruction in their native language would be provided a court interpreter.

Those pleading *not guilty* or *no-contest* would be tried during the session. The parent was required to provide testimony and, at times, written proof he had done everything within his power to ensure his child attended school on a daily basis. Through cross-examination of the Assistant District Attorney, a parent meeting criterion for *parent contributing* or *child in need of supervision* could find himself convicted of a Class C misdemeanor and fined an amount not to exceed \$592.00. In addition to the fine and conviction, a parent could be court-sanctioned to attending parenting classes, enrolling his child in social service agency programs, completion of community service hours, and in extreme cases, court-ordered to attend classes with his child.

For many students, the cycle of non-attendance continued after receipt of a misdemeanor citation and payment of fines to courts. High school administrators and teachers work continuously to motivate students to want to attend school every day. More often than not, administrators find themselves bucking against the odds due to a lack of encouragement, support and monitoring by parents who fail to ensure their children take education seriously, and as a result has perpetuated the truancy problem (Garrison, 2009). High schools across the United

States concentrate on the negative behaviors of truancy and the issues involving student actions before, during, and after the act (Garrison, 2009). Generally, truancy is more prevalent in high schools as compared to middle and elementary schools (United States Department of Education, National CE Statistics, 2008a) due in part of scheduling of classes and a less restrictive educational environment (study hall periods, outs, open lunch periods, etc.). The fact that secondary schools have spent great amounts of time and resources in addressing the specific problem of truancy is understood. The problem remains that the effectiveness of most schools efforts at addressing the underlying root causes of truant behaviors is ineffective, insufficient, and in some cases, nonexistent.

Anti-truancy protocols, drafted by attendance committees, social services organizations, parent-teacher committees, and school administrators, tend to adapt existing internal and external interventions to fit the need for increases in attendance rates and school culture and climate and fail to consider the needs of their client, the student who feels disconnected from a structured school environment. However noble these interventions may have been, they have fallen short of the goal of increasing school attendance and reducing campus truancy rates. The onus placed on the student to attend school despite mitigating circumstances is impractical.

Call for Reform: U.S. Department of Justice Investigation

In a statement released by United States Attorney General Eric Holder noting that “The Constitution’s guarantee of due process applies to every individual, regardless of age or disability...and that the children of Dallas County can receive the meaningful access to justice that all Americans deserve,” (*Dallas News*, 2015), the U.S. Department of Justice announced it will conduct an investigation of Dallas County Truancy Court and Juvenile District Court in

Dallas, Texas, after numerous complaints concerning the criminalization of truant students (*Dallas News*, 2015; Wilkie, 2015 Apr 1).

According to the Justice Department, the investigation will focus on whether the courts provide constitutionally required due process to all children charged with the criminal offense of *failure to attend school* and will focus on whether the courts provide access to the judicial process for students with disabilities (*Dallas News*, 2015, *The Daily Dot*, 2015, Herkovitz , 2015).

Attorney General Holder further stated, “This investigation continues the Justice Department’s focus on identifying and eliminating entryways to the school-to-prison pipeline, and illustrates the potential of federal civil rights law to protect the rights of vulnerable children facing life-altering circumstances” (Wilkie, 2015 Apr 1).

In response to the launch of the probe into the Dallas County truancy courts, Deborah Fowler, Executive Director of Texas Appleseed, stated:

“The failure to appoint counsel means that children are being left to represent themselves, often without any understanding of what their rights are or how to appropriately advocate for themselves,” (Herkovitz , 2015), and, “We’re glad to see that the Department of Justice shares the concerns we have with Texas truancy courts, and that it believes the issues raised in our complaint merit a closer look...we look forward to working with the Justice Department and the county to find a resolution that better protects student’s constitutional rights and helps prevent court involvement in situations where it is clearly inappropriate,” (Wilkie, 2015 Aug 26).

The chief political official in Dallas County promised full cooperation with the Department of Justice probe and said he would back reform (Herkovitz , 2015). Dallas County Judge Clay Jenkins issued the following statement regarding the Justice Department probe:

“We remain committed to giving every student their best chance at staying in school and graduating,” (Herkovitz , 2015).

The *Texas Observer* (2015) reports that Texas prosecutes kids for missing school more zealously than any other state and that poor, minority, and special education students are disproportionately targeted. In a report filed on March 5, 2015, *The Observer* corroborated information reported by student advocacy group Texas Appleseed, “that in 2013 Texas prosecuted approximately 115,000 truancy cases—more than twice the number of all other states combined,” and in “the 2013-14 school year, almost 20 percent of reported *failure to-attend-school* court referrals statewide involved African American students and Hispanic students.” African American students represent less than 13 percent of the student body statewide with Hispanic students representing only 52 percent respectively” (Semien, 2015, *The Daily Dot*, 2015).

Special Education students, while representing only 9 percent of students statewide, comprised 13 percent of court referrals for *failure-to-attend-school* (*The Observer*, 2015). Deborah Fowler (2015), Texas Appleseed Executive Director wrote that “Court intervention, particularly for children who have had no previous experience with the criminal justice system, increases the likelihood that they will drop out and enter the school-to-prison pipeline.”

Brandon Formby, reporter for *The Dallas Morning News*, reported on June 11, 2013, students who miss class are often punished unfairly even if they can provide documentation for legitimate absences (*Dallas News*, 2015) Allegations presented to federal authorities by advocacy groups Texas Appleseed, Disability Rights Texas, and the National Center for Youth Law were reviewed (*Dallas News*, 2015).

Call for Truancy Reform in Texas

Truancy decriminalization was undertaken by the 84th Legislative Session with the reconciliation of the proposed Senate (Bill 106) and House (Bill 2398) with the final version of the bill signed into law by Governor Gregg Abbott on September 15, 2015 (Merrill, 2015). The passage of HB2398, commonly known as the Truancy Reform Bill, laid the groundwork for school districts to adopt plans to increase school attendance, implement Truancy Prevention Measures, increase levels of parental involvement, and reduce the number of students referred to municipal court (TEA, 2015). In addition, the bill tasked the Texas Education Agency with establishing “minimum standards and best practices for Truancy Prevention Measures” and readily addressing sanctions for “failure to implement and apply prevention measures,” (Orman & Blanton, 2015).

Effective in 2015, the 84th Texas Legislature restructured truancy laws with the passage of House Bills 2610 (2015) and 2398 (2015), with full implementation for public school districts scheduled to begin in August of that year. House Bill 2016 struck the language requiring 180 days of mandatory attendance to a minimum of 75,600 minutes (the equivalent of 420 minutes per day) of mandatory instruction for the academic year (TEA, 2016). School districts were required to add minutes to the academic year to compensate for instruction time lost due to inclement weather or other emergencies or situations (2015).

Known as the Truancy Reform Bill, HB2398 accomplished three distinct actions. First, HB2398 increased the maximum compulsory attendance age in the state from 18 to 19 years of age (Texas Family Code §65.003, 2015); second, it decriminalized truancy for all students by removing provisions of §25.094 (*Failure-to-Attend-School*) from the TEC. This statute was replaced by TEC §25.091 (2015), which prevents a student from being taken into custody for

truancy offenses and eliminated truant conduct for students that are absent three or more days in a four-week timespan (Texas Family Code §65.003, 2015).

The third action attributed to HB2398 was the adoption of Truancy Prevention Measures (HB2398). Truancy Prevention Measures are mandatory when a student fails to attend school without an excuse on three or more days (or part of days) within a four-week period (TEA, 2016). This mandate replaces what was commonly known as discretionary filing under Section 25.094(a)(3) of the Education Code (TEA, 2016). This action is specifically intended to reduce the number of school attendance cases involving children referred to the legal system (TEA, 2016).

Truancy Reform: Legislative Session 84 (Texas House Bill 2398)

The 84th Texas Legislative session witnessed the passage of 2015 Truancy Reform Bill-HB 2398, with the goals of decriminalizing the status offense of truancy and reducing the number of students referred to municipal court. Commonly referred to as the Decriminalization of Truancy Bill or HB 2398, the dual objectives of the bill were: to eliminate the criminal status of failure to attend school and to hold students accountable for their non-attendance (Wood, 2015). This action was designed to be a tri-fold process in which the legislature would shift the burden of decreasing truancy and truant behaviors from the Municipal and Justice-of-the-Peace Courts to school districts and parents, and hold each entity responsible for implementing and administering truancy prevention measures aimed at decreasing student truancy rates (See Appendix B for a visual representation of the Truancy process according to HB2398.)

According to The Office Court Administration (2015) 69,052 *failure-to-attend-school* cases were filed in 2014 in Justice of the Peace (JP) and Municipal Courts, plus an additional 24,224 cases were filed in specialized constitutional county courts. Of the 69,052 cases filed,

57,711 were in JP Court (State of Texas, Office of Court Administration, 2015). Conversely, under Family Code Section 51.03(b) (2), the charge of truancy is filed in Juvenile Court and applies to students between the ages of 10-17 years (State of Texas, Office of Court Administration, 2015). In these proceedings, children may be found to have engaged in *truancy* which constitutes "conduct indicating a need for supervision (CINS)" (Wood, 2015. p. 5).

While approximately 1,000 cases were filed in Juvenile courts for the CINS offense of truancy in 2013, more than *115,000 failure-to-attend-school* cases were filed in adult criminal court forums in the same year (Fowler, 2015, p. 2). During the 2014 fiscal year, a total of 596 CINS petitions were filed in the state's Juvenile courts (State of Texas, Office of Court Administration, 2015; Wood, 2015, p. 5). It is unclear as to how many of the CINS cases were for truancy, and even if all 596 CINS petitions were filed for the offense of truancy, *failure to-attend-school* cases outnumber truancy cases 115 to 1 (Wood, 2015, p. 5).

In addition to consequences meted to students, a criminal offense exists which is known as "Parenting Contributing to Non-Attendance [of school] (PCN)" (Wood. 2015, p.5). This offense is called for under Texas Education Code §Section 25.093, and occurs when committed by the parent of a truant child (Wood, 2015, p.5). Parent Contributing to Non-Attendance charges can be filed against any parent of a child who is subject to the compulsory school attendance laws (between ages 6 and 18); for students between ages 12 and 17. It is within the school's discretion whether to file criminal charges against the student only, the parent only. or both (Fowler, 2015, p.36). These Parent Contributing to Non- Attendance cases are Class C misdemeanors and are handled by Justice and Municipal Courts (State of Texas, Office of Court Administration, 2015).

According to Wood (2015) in Fiscal Year 2014, there were 68,061 parent contributing to non-attendance cases filed in Justice and Municipal Courts. When specialized constitutional county court petitions are added, the number of parent-contributing-to-non-attendance cases rises to 78,440 (State of Texas, Office of Court Administration, 2015).

During Fiscal Year 2014, 69,052 *failure-to-attend* school cases were filed in Justice and Municipal Courts in Texas (Wood, 2015). While the number is high, it does not include the failure to attend school cases filed in the constitutional courts in Dallas County (Wood, 2015).

While school districts have long labored to establish anti-truancy protocols in an attempt at addressing these concerns, the protocols have been ineffective in curbing the trend in non-attendance, despite layers of parental involvement, social services assistance, and court interventions (Langford. 2015, p. 1). Consequences for chronic truancy ranged from after school detention, parent-administrator conferences, loss of credit and ultimately retention in grade level. In addition, court consequences ranged from mandatory participation in social services programs for both student and parent, and filing of criminal charges against each. In 2015 Chief Justice Nathan Hecht of the Supreme Court of Texas addressed the issue of criminal conviction for truancy:

“The [school ticketing] reforms last Session did not extend to truancy and attendance laws which, while intended to keep kids in school, often operate to keep them out. The theory is that the threat of the punishment will incentivize attendance. But when almost 100,000 criminal truancy charges are brought each year against Texas school children, one has to think, this approach may not be working. Playing “hookey” is an act, but is it criminal? A better, more effective

solution may be for schools and courts alike to provide prevention and intervention services for at-risk children to actually achieve the goal: getting them back in school. This has led to the Texas Judicial Council, a policy-making body for the Judiciary, to call or decriminalize the failure to attend school. The stakes are high. Our children are our most precious treasures and our future. Education is the key to their success" (The State of the Judiciary Address in Texas, Chief Justice Nathan L. Hecht, presented to the 84th Legislature February 18, 2015, as quoted by Wood, 2015."

Decriminalization of Truancy: Family Court and Raising Mandatory Attendance Age

“The best interest of the child is the primary consideration in adjudicating truant conduct of the child” (H.B. 2398, 2015, Chapter 65, Subchapter A., (Section 65.001 (c).)

This sentence, taken directly from 84(R) of HB2398, encapsulates the intent of what student advocates, legislators, and businesses in the State of Texas wanted. “In an attempt to curb the dropout rate, governors and state legislatures are considering raising the compulsory school attendance age” (NASSP, 2010). Supporters of this policy argued that at the age of 18 students are allowed to drop. If you hold a student in school until the age of 19, they have more time to earn credits towards graduation. By raising the age to 19, students would be better supported and less likely to dropout which would afford their ability to earn higher wages and continue with higher education. This in essence, would reduce truant behavior and promote social mobility (NASSP, 2010). All were seeking a manner of addressing truancy and truant behaviors while not continuing with the criminal aspect of law. Key elements of the more than 100 pages of deletions, corrections, and adoption of rules were overwhelming for local education agencies (LEA) to comprehend without the guidance of their legal departments. Since the new law was to

take effect on September 1, 2015, it was critical that school districts were familiar with the key elements of the law their Campus Truancy Administrators were expected to implement.

The switch from criminal court proceedings to the family court setting was reconciled in new definitions associated with the process. They included the following restructured definitions and clarifications:

Definition of a Child

Under section 65.002, (1): “A child means a person who is twelve years of age or older and younger than 19 years of age.”

This definition was restructured to clarify that children under the age of 12 cannot be taken to family court for truant behavior or truancy. In this instance, the school would file a formal complaint against the parents of the child under the heading of “*parenting-contributing-to-non-attendance*.” The fine for this offense was reduced from \$500 to a nominal \$50, as well as court costs.

Definition of Truant Conduct

“A child engages in truant conduct if the child is required to attend school under Sec. 25.085, Education Code, and fails to attend on ten or more days or parts of days within a six-month period in the same school year.” (Family Code Sec. 65.003(a), 2015).

Stricken from the former bill was the verbiage that the definition does not include a child’s failure to attend school on three or more days or parts of days within a four-week period. It was necessary for legislators to define truancy or truant behaviors so as not to confuse those behaviors with either absenteeism or chronic absenteeism.

Mandatory Attendance of 18-Year-Old Student

Section 25.085 “Amends to require 18-year-old students to attend school specifically.”

This change in this section of the law was problematic for Campus Truancy Administrators as prosecution of truancy against 18-year-old students had been in effect for over twenty years. Since the old law required attendance of students to age 18 after which they were legally allowed to self-drop or become an administrative drop, administrators were pressed into timely filing of students before their 18th birthday. The new law mandates that 18-year-old students must attend and cannot drop out of school even with parental consent. The two exceptions to this rule are: 1: The protected status of the primary wage earner. However, administrators could not file against these students once it was verified that they met the eligibility requirements, and 2: The final disposition of the case if the person was referred to the court before their 19th birthday. In those cases, the truancy court retains jurisdiction over the student.

In addition to the change in the age from 18 to 19, the status of 19-year-old students was changed to that of:

"A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who had more than five absences in a semester that are not excused under Section 25.087."

Further, the legislature extended that status to include:

"A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for the purposes of Section 37.107.

Campus Truancy Administrators were charged with ensuring all 18 and 19-year-old students had a basic understanding of the new policy. The transition from the old law (criminal

court) to the new law (Family Court) was complicated, the Regional Education Servicing Center was retained to provide in-service training to all Campus Truancy Administrators.

Truancy Prevention Process: Truancy Prevention Measures

Historically, Texas school districts relied upon a hodge-podge of anti-truancy intervention strategies, which varied depending upon which school district or campus the student attended. As each campus was autonomous, they were afforded significant leeway in interpreting and implementing anti-truancy intervention measures dependent upon the climate and culture of their respective districts and campuses. Under current law, Section §25.0915 of the Education Code requires a school district to adopt and expand truancy prevention measures (TEA, 2016). Under HB2398, Truancy Prevention Measures are specifically outlined, and it is made clear that school administrators are required to monitor each student's school attendance and implement truancy prevention measures in a timely manner with an eye toward limiting referrals to municipal court. Although the Truancy Prevention Measures are stated in the law, their implementation is also determined by the needs of the individual student and campus culture. HB2398 specifies that the following actions must be taken at the campus level:

1. Impose a behavior improvement plan. The campus must issue a warning letter upon the third unexcused absence in a four-week period (Aguilar, 2015) and hold a parent-administrator conference upon the tenth unexcused absence in a six-month period (Aguilar, 2015). Should truant behavior continue, a campus 45-day behavior improvement plan must be developed for students who meet the requirements of the prohibited truant behavior. This plan involves the collaboration of all immediate stakeholders. The plan must be signed by an employee of the school, and certifies that the campus has made a good faith effort to have the contract signed by the student and

the student's parent or guardian, and that includes the elements described in Texas Education Code §25.0915 (TASB, 2017).

2. Impose school-based community service. While school-based community service is not defined in statute, this is not a new concept (TASB, 2017). In 2013, the 83rd Texas Legislature included the term "school-based community service" in the requirement for certain school districts (Texas Educ. Code §37.144) to impose graduated sanctions prior to referral of a student to court for a criminal complaint (TASB, 2017). These services may include programs linked to law enforcement, Big Brothers-Big Sisters, Communities-in-Schools, Young Marines, or fraternal order organizations, such as Kappa Alpha Psi Fraternity's Guide Right Program. In some districts, community service participation is a component of graduation requirements.
3. Mandatory referral to in-school or out-of-school social service agencies which seek to address and provide options for resolution of the student's truant behavior. Such remedies may include administrative conferences, peer mentoring, mediation, counseling, or juvenile court referral (Texas Association of School Boards [TASB], 2015).
4. Referrals to truancy court must be accompanied by a certifying statement that the school employed truancy prevention measures (TEA, 2015). If it is determined the school did not comply with the requirement of a certifying letter, did not file in a timely manner, or if the referral is deemed otherwise defective, the Assistant District Attorney (DA) may object to the case filing and dismiss the case entirely (TEA, 2015).

Exemptions to Truancy Prevention Measures

HB2398 allows for exemptions in four categories for students for whom mandatory school attendance proves challenging and un-equitable, as due process rights may not be upheld. Students with special circumstances are identified in HB2398 and excluded from actions initiated under Truancy Prevention Measures. The four exceptions to HB2398 are well-defined and include students who are in foster care, homeless students, pregnant students, and those students who are recognized as the primary source of financial support. In the event a student's truancy is attributed to at least one of the four exceptions, the district is required to offer additional counseling to a student but may not refer the student to truancy court (Texas Association of School Boards, 2017). School administrators are encouraged to support these students through a network of school counseling and referral to outside agencies, but truancy prevention action is not mandatory.

Foster Care

Students who are in foster care fall under the special provisions and jurisdiction of Section §25.001 (f) and (g) (TEA, 2017). Subsection (f) provides for tuition-free admission in the school district in which the foster parents reside, and subsection (g) specifically provides for a student placed in the conservatorship of the Department of Family Protection Services (DFPS) “with the option of continuing to attend, without payment of tuition, the school in which the student was enrolled immediately before entering conservatorship or any other school in which the student enrolls while the student is in DFPS conservatorship until the student successfully completes the highest grade level offered by the school, regardless of the location of the student's residence or of whether the student remains in conservatorship for the duration of the student's enrollment” (TEA 2017).

Homeless Students

Homeless students are entitled to public school admission under Section §25.001 (b) (5), U.S. C. §11302 which states that “regardless of the residence of the person, of either of the person or of the person’s guardian or other person having lawful control of the person.” The Texas Education Agency defines a ‘homeless’ student, in part, as follows:

1. “An individual or family who lacks a fixed, regular, and adequate nighttime residence;
2. An individual or family with a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
3. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels, and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
4. An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided” (TEA, 2017).

Pregnant Students

Legal protection for a student who becomes pregnant or who is a parent is Title IX of the Education Amendments of 1972, U.S.C. §§1681-1688 (TASB, 2019). Commonly known as Title IX, the law protects students from unlawful discrimination in all academic, educational, extracurricular, athletic, and other programs or activities offered by school districts (TASB, 2019). The federal regulations implementing Title IX include discrimination based on pregnancy or related conditions (34.CFR §106.40(b)(1), TASB, 2019). Within the State of Texas,

pregnancy related services are support services that a [regnant student received during the pregnancy prenatal and postpartum periods (TEA, 2019). Texas Education Code §29.081 identifies a student at risk of dropping of school if the student is pregnant or is a parent (TEA, 2019). Most local education agencies offer pregnancy related services under Compensatory Education Home Instruction (CEHI), which is designed to help students adjust academically, mentally, and physically to their new circumstance. A student shall receive CEHI services under the following conditions:

1. The student is pregnant and attending classes on a district campus;
2. The pregnancy prenatal period prevents the student from attending classes on a district campus; and
3. The pregnancy postpartum period prevents the student from attending classes on a district campus (TEA, 2019).

Depending upon local education agency (LEA) policy, excused absences are another form of accommodation sometimes available to pregnant and parenting students. Under state law, students must be excused from attending school due to a health care appointment for either the student or the student's child if the student returns to classes or returns to school on the same day as the appointment (Tex. Educ. Code §25.087(b)). Finally, a student's decision to participate in a separate program other than the regular school curriculum must be completely voluntary (34 C.F.R. § 106.40 (b) (1), (b)(3)).

Principal Income Earner

Embedded within Commissioner Williams' letter are the categories of students who qualify for exemptions to mandatory truancy prevention measures, i.e., students enrolled in state foster programs, pregnant students, homeless students, and students who

are the principal income earner of their family (Texas Education Agency Commissioner Michael Williams' *Letter to Administrators on Attendance, Admission, Enrollment Records, and Tuition*, 2015). Commissioner Williams' letter, which outlines the requirement of each school district to employ a truancy prevention facilitator or juvenile case manager to ensure the implementation of and fidelity to truancy prevention measures adopted by the district, and information on §Section 25.095 which serves as notification to parents of school district attendance requirements (Texas Education Agency Commissioner Michael Williams' *Letter to Administrators on Attendance, Admission, Enrollment Records, and Tuition*, 2015).

Students who are the principal income earners for their families are exempt from truancy prevention measures. However, campuses may choose to monitor the attendance and educational attainment of these students through the campus Response to Intervention (RtI) committee.

Special Education and Section 504

The Ninety Percent Rule applies to students with either an Individualized Education Program (IEP) under special education services or a Section 504 Individual Accommodation Plan (IAP). (Section 111, Pub. L. 93-516, 88 Stat. 1619 (Dec. 7, 1974). This is important to understand because the majority of students referred to truancy court are students receiving special ed services and appearing in Court without an attorney. A Certifying Statement, indicating the student's IEP/IAP status accompanies the file. If the student pleads guilty, the Court will have to reset the hearing for a future date. Students can apply for Courtroom representation (native language and sign language interpreter) but the school district does not have to pay for it or legal representation.

Special Education

Students who are assigned an IEP, fall under the Individuals with Disabilities Education Act (IDEA) which is federal special education legislation, passed by Congress in 1975 (IDEA, 2017) for children with disabilities (IDEA, 2017). The rationale for the legislation was to insure children with disabilities were properly identified and afforded a free and appropriate public education (FAPE [IDEA, 2017]). These students qualify for individualized services if they meet the following criterion:

1. They have one or more of the 13 disabilities listed in IDEA, and
2. The disability must affect the child's educational performance and/or ability to learn and benefit from the general education curriculum (IDEA, 2017).

Section 504

Students who are assigned an IAP, fall under Section 504 of the Rehabilitation of 1973, which is the federal civil rights legislation aimed at stopping discrimination against people with disabilities (IDEA, 2017). To qualify for a 504 plan, students must meet two requirements:

1. A child has any disability, Section 504 covers a wide range of different struggles in school, and
2. The disability must interfere with the child's ability to learn in a general education classroom (IDEA, 2017).

For students who have, "(a) physical or mental impairment which substantially limits one or more of a person's major life activities, (b) has a record of such an impairment, or, (c) is regarded as having such an impairment." (Section 111, Pub. L. 93-516, 88 Stat. 1619 (Dec. 7, 1974).

While a district's certifying statement had to specify whether the student qualified for special education, (Orman & Blanton, 2015), there are no provisions excluding either special education or Section 504 students from "The "90% Rule."

Under "The 90% Rule," students in attendance between 75% and 90% of school days may be allowed to recoup credit by completing a principal's plan contract designed to meet course requirements. However, a student who is in attendance for at least 75% but less than 90% of the days a class is offered, may petition an attendance committee for a 75% plan. Unlike the principal's plan which is designed to meet course requirements and is under the jurisdiction of a campus principal, the 75% plan is composed of a teacher majority committee and is specifically designated by school districts to hear cases where a student attended less than 75% of school days (TEA §25.092, 2013). The campus principal must sign the plan after the committee reaches a decision. A final grade or credit may be granted if the student completed a plan approved by the principal that provides for the student to meet the instructional requirements of the class (TEA, 2017).

Title I

Title I is a federal entitlement program created by the United States Department of Education to facilitate the distribution of funding to schools and school districts with a high percentage of low-income families (Jeffrey, 1978). Title I strengthens the authority of State Departments of Education and allocates funding to support local initiatives. and Title VI extends provisions to disabled children to ensure they have access to free public education (Jeffrey, 1978. p.). Title I would continue as the framework for federal assistance to public education until the signing of the No Child Left Behind Act of 2002.

Title I subsidizes funds to schools in need based on student enrollment, the free and

reduced lunch percentage for each school, and other demographic information. It also provided for special education and related services in rural areas Funds are distributed from the U.S. Department of Education to State Departments of Education and eventually to individual local school districts (U.S. Department of Education, 2004). Title I strengthens the authority of State Departments of Education and allocates funding to support local initiatives. and Title VI extends provisions to disabled children to insure they have access to free public education (Jeffrey, 1978). Title I would continue as the framework for federal assistance to public education until the signing of the No Child Left Behind Act of 2002.

County Truancy Prevention Plan

From a campus administrative perspective, truancy prevention measures are viewed as policies, programs, procedures, and personnel utilized to reduce the number of truant students appearing before a Magistrate or Justice of the peace. This perspective is aligned with the truancy measures presented in HB 2398. This study reviewed previously existing anti-truancy protocols and assessed CTAs' truancy perceptions of how well these programs worked at reducing truant behaviors. The study also provided insight into how new truancy prevention measures are expected to decrease the number of student court referrals while ensuring parents and administrators collaborate with students to resolve school attendance issues.

As Texas is the second largest state in the union, it was impractical that all public-school districts in Far West Texas would implement truancy prevention measures in the same manner and with fidelity. Indeed, HB 2398 makes allowances for school culture and outside entities that assist CTA. Under the guidance of the County District Attorney appointed to oversee the implementation of truancy prevention measures, school district administrators representing the 12 independent school districts and eight charter schools met in committee to decide how best

they would comply with state-mandated change. HB 2398 required districts to appoint a truancy prevention facilitator to implement and evaluate truancy prevention measures (HB 2398, 2015). In its role as a clearinghouse of information regarding community and internal programs, the truancy prevention facilitator served as a point of contact with courts and law enforcement officials, and as the chair of the *County Truancy Prevention Plan* (2015).

The *County Truancy Prevention Plan* was written and serves as the guideline for all campuses within the Region 19 area to follow while allowing for the needs of the individual campus and students.

With the District Attorney and County Judge at the helm, County Commissioners, Constables, Justices-of-the-Peace, public independent school districts, and charter schools worked together to formulate the plan (El et al., 2015). The law, which went into effect in December of 2015, holds schools “responsible for doing more intervention before sending truant students to the courts,” (El Paso Times, 2015). District Attorney Jaime Esparza stated, “The new law requires schools to do more to address chronic absenteeism proactively,” (El Paso Times, 2015). According to Esparza, the truancy cases would “first go to the District Attorney’s Office before going to a Justice-of-the-Peace” (El Paso Times, 2015). Esparza stated, “The plan will keep students out of the courtroom and in the classroom” (El Paso Times, 2015), while Assistant District Attorney Matt Moore stated, “Prosecutors handle about 1,000 truancy cases annually. As of September (2015) only two dozen cases had been submitted,” (El Paso Times, 2015).

Campus Truancy Administrators must determine what approach works best on their campus and specifically structure the 45-day truancy contract as the key element of the truancy prevention plan. This means the CTA must collaborate with other stakeholders, including

administrators, counselors, teachers, parents, and court personnel, to ensure student truancy is addressed and best practices are followed.

In accordance with House Bill 2398 and information contained within Commissioner Michael Williams' August 1, 2015 Letter to Administrators (TEA, 2015) outlining requirements for truancy prevention measures and the employment of personnel to implement the mandate, the El Paso County District Attorney's Office adopted The El Paso County Truancy Prevention Plan. This county-wide, comprehensive plan, was written and compiled by the seven independent school districts and charter school districts to insure a uniform truancy policy.

Under Texas Education Code §25.0915 The El Paso Plan follows the following guidelines:

(a) A school district shall adopt truancy prevention measures designed to: (1) Address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003 (a) Texas Family Code; and

(2) Minimize the need for referrals to truancy court for conduct described in Section 65.003 (a), Texas Family Code. (Texas Education Agency, 2015)

The El Paso Plan lists three goals:

1. To outline the minimum standards of truancy prevention required by new state legislation;
2. To allow each school district to address the conduct causing truancy with the cooperation of the parents and students in order to minimize court involvement; and
3. To clearly outline what school documents are required for court filings and to clearly outline court procedure when students and parents resist all reasonable alternatives (*County Truancy Prevention Plan, 2016*).

Beginning with each independent school district's and charter school district's unique setting and character, it was decided they must include the six essential elements of the county's plan. The six elements include the district plan to know their students; providing proper notification to parents concerning changes in truancy law; compliance with Texas Education §Code 25.095 regarding notice of Unexcused Absences; the scheduling of the 45-Day Truancy Prevention Measures Plan; documentation of scheduled meeting(s) with parents; and documentation of the success or failure of the 45-Day Truancy Prevention Measures Plan (*County Truancy Prevention Plan, 2016*). In addition to the above, each district must provide a means of tracking notification of parents and creation of either paper or electronic file where all truancy prevention measures utilized for each student will be contained (*County Truancy Prevention Plan, 2016*).

The County Truancy Prevention Plan officially recognizes El Paso County Assistant District Attorneys as gatekeepers for those students who are referred to truancy court. All students who are referred to Justice of the Peace Courts must submit the truancy packet to the Assistant District Attorney's Office for review. To ensure compliance with the plan, the gatekeeper must ask if there "was there any reasonable way the school administration could have solved his case at the school?" If the answer is "yes," the Assistant District Attorney will remand the case to the school and insist that further truancy prevention measures be utilized (*Country Truancy Prevention Plan, 2016*). The *County Truancy Prevention Plan* also lists meeting dates where representatives from the respective school districts and personnel from the District Attorney's Office will discuss problems, concerns, and exceptions (*County Truancy Prevention Plan, 2016*).

School-to-Prison-Pipeline

“Children do not benefit from any interaction with the criminal justice system” (Robinson & McCall, 2010, p. 29). The “School-to-Prison Pipeline,” (STPP), first coined in the 1980s, refers to “The over-representation of minority students, particularly African American males, in the juvenile corrections system and, consequently, in the prison system” (Smith, 2015, p. 129). STTP refers to the policies and practices that push our nation’s school children, especially our most vulnerable at-risk populations, out of classrooms and into juvenile and criminal justice systems (Heitzeg, 2023) . The term STPP also serves as a metaphor to describe the many ways in which schools have become a conduit for the introduction of youth to the criminal justice system (Christie, Jolivette & Nelson, 2005).

Rooted in the late 1980’s political climate under the Reagan Presidential Administration’s “War on Drugs” and First Lady Nancy Reagan’s “Just Say No” (to drugs) campaign, this tough approach to discipline in schools would come to resemble the treatment of youth in the criminal justice system (Wald & Losen, 2003, p.10).

The Violent Crime Control and Law Enforcement Act of 1994 was a keystone legislative victory for the Clinton Administration characterized, by the “three strikes” mandatory life sentence mandate. According to Lussenhop (2016), the bill was passed with bipartisan support and with a three-billion-dollar price tag in an effort to reduce crime in decimated communities (p. 2). Farley (2016) mentions the bill mandated life sentences for criminals convicted of a violent felony after two or more prior convictions, including drug crimes. (p. 1).

Introduction to STPP first occurs in the classroom in the form of disciplinary referrals for minor infractions of classroom or school rules. Crawley (2018) stated the term “pipeline” was first used within education in 1960 by Elliot Berg to describe the successful movement of

students through their educational journeys in school” (p. 4). In colloquial conversation, the word “pipeline” has negative connotations as it is usually associated with mandates referring to disciplinary educational systems and restrictions of indigenous rights.

Zero-Tolerance Policy

The STPP theory is heavily weighted in the usage of zero-tolerance policies and extreme consequences for minor infractions of school rules. Smith (2015) states “The term ‘zero-tolerance policies’ refers to individual school or district-wide policies that mandate predetermined typically harsh punishments, such as suspension and expulsion for a wide degree of rule violations” (National Association of School Psychologists, 2001, (p. 125). Gilmore (2016) states that the pipeline operates “simultaneously in a less outwardly illicit fashion via zero-tolerance policies and other in-school disciplinary measures” (p. 4). According to Dixon (1998), the idea of zero-tolerance policing came from an article in the March 1982 issue of the *Atlantic Monthly* in which JQ Wilson and George Kelling hypothesized (without empirical basis) that serious crime could be reduced by clamping down on minor incivilities and disorder” (Dixon, 1998, p. 96).

According to Robinson & McCall (2020), “The School-To-Prison Pipeline discourse is focused on zero-tolerance policies and explains the long-standing practice of the overrepresentation of Black children in school discipline systems” (p. 28). In addition, the “School-To-Prison Pipeline prohibits Black students from getting an appropriate education based on school behaviors that lead to police engagement instead of school-sanctioned discipline.” (p. 29).

“Broken Windows” Theory

Smith (2016) mentions that “The argument of “broken windows,” implies that if a broken window in a building is not repaired, others will be broken. The rest of the building, then the street, then the neighborhood, will deteriorate” (p.128).

As reported by Smith (2016) The “Broken Glass Theory” argues that “in order to prevent students from becoming unruly, they must be critically punished for minor offenses to avoid major ones” (p. 128). Other researchers have also supported this argument (Sheldon, 2001; Kelling & Sousa 2001; Teske, 2011).

This theory is supported by independent school districts throughout the State of Texas, as Public Education Information Management System (PEIMS) reports students typically must have an average of six discretionary discipline referrals in a six-week timeframe before a student is eligible to attend a Disciplinary Alternative Education Program (DAEP). This campus procedure is typically decided upon by the Campus Education Improvement Committee (CEIC), which is composed of duly elected administrators, teachers, and paraprofessionals. The policy is published in the campus handbook and is available online to all learning community constituents.

School discipline, in the form of referrals to in-school suspension, out-of-school suspension, and expulsion, are risk factors that lead to the juvenile justice system and, ultimately, the adult criminal justice system” (Texas Applebee, p.1). Gilmore (2016) states, “The enforcement of zero-tolerance policies ensures regular contact between the school resource officers and students, which greatly increases the likelihood of students suffering physical harm at the hands of those officers” (p. 5).

Elias (2013) concurs, stating, “The school-to-prison pipeline starts (or is best avoided) in the classroom. When combined with zero-tolerance policies, a teacher’s decision to refer

students for punishment can mean they are pushed out of the classroom, and much more likely to be introduced into the criminal justice system “(p. 2). Smith (2015) also agrees, stating: “Students who are drawn into the STPP usually enter after being removed from the classroom following a suspension” (p. 130).

Gilmore (2016) states that the pipeline operates “simultaneously in a less outwardly illicit fashion via zero-tolerance policies and other in-school disciplinary measures” (p. 4). Quite often parents are not notified by school administrators when minor infractions of school rules have occurred or may have their signature waived due to employment commitments. Students, typically unaware they are signing an official disciplinary document, are denied due process. In the case of special education or students receiving Section 504 accommodations, the administrator must initial a box that asks if the student is receiving those programs and if a manifestation determination ARD is needed.

Overly harsh disciplinary policies and practices, such as in-school suspension (ISS), out-of-school suspension (OSS), and expulsion, tend to leave students under-supervised or unsupervised. As a student's negative behaviors increase, so does the likelihood of school avoidance in the form of truancy, which may serve as the student's introduction to the juvenile system.

Robinson & McCall (2020) state that “The School-To-Prison Pipeline prohibits Black students from getting an appropriate education based on school behaviors that lead to police engagement instead of school-sanctioned discipline.” (p. 29). Typically, students assigned to DAEP programs receive the core curriculum (English, math, science, and social studies). A character development class (such as Restorative Justice) is required, but it is considered a local credit, and does not count towards credits needed to earn a high school diploma. Any elective,

dual-placement, pre-advanced placement, and advanced placement classes are not taught on alternative campuses. The student forfeits the course and must make up the credit during summer school if it is offered. Trailer courses, for example, Algebra I-A, are typically offered during the fall semester and are unlikely to be offered during spring semester and/or summer school. Students may begin to feel they are unlikely to earn the 26 credits required for graduation under the state-recommended plan in addition to the targeted electives based upon the student's Pathway to Promotion Plan. This state-mandated endorsement is co-mingled with the Four-by-Four Plan, consisting of core classes English, math, science, and social studies.

Gilmore (2016) notes "Notwithstanding the supposed wisdom of this stated purpose, it has been observed that some schools use expulsions and enforcement of other zero-tolerance disciplinary measures as a means of "pushing out" students expected to underperform in standardized testing. (pp. 4-5). This scenario, which was once typically practiced on many high school campuses, has come under increasingly tight scrutiny as investigations of improprieties by the United States Office of Civil Rights Division have investigated local education agencies.

Smith (2016) noted that the likelihood of being pushed out of school increases after being suspended from school at least once. Robinson & McCall (2020) state that "The process of criminalizing students by punishing them with disciplinary measures outside of the school is another mechanism to hold our students back educationally and introduce them to a criminal system that will not educate them, but rather label them as a menace to society" (p. 29). Judges may stipulate that truant students complete programs offered after school hours, such as Aliviane (Drug Abuse Treatment), Victory Warriors (character development), and parenting classes (either for their parents or themselves if they are parents). Students are reluctant to enroll in the

classes and may be found in contempt of court if the programs assigned by the judge are not completed in the time stipulated.

Wald & Losen (2003) alluded to the fact that “Once referred to the juvenile justice system, students often miss multiple days of school to make court appearances, even if their cases are ultimately dismissed. The educational services offered by the juvenile justice system are frequently disconnected from the school system” (p.13).

School-to-Prison-Pipeline in Texas

The STTP pipeline in Texas experienced a tremendous disruption with the passage of HB2398 in 2015. Fowler (2010) states that Texas students were increasingly subjected to criminal sanctions for classroom misbehavior” (p.4), and “The charge of truancy until recently, also subjected Texas youth to criminal charges and penalties” (Muldrow, 2016, p. 4). Muldrow (2016) further states “Truancy courts in Texas, prior to 2015 issued Class C citations for truant behaviors. These tickets entailed a courtroom visit for the minor offender and often their parents as well. In addition, a Class C misdemeanor comes with a fine of up to \$500” (p. 4).

Muldrow (2016,) writes “When school officers refer a student to a court over school misbehavior, they are required to file a complaint with the local prosecutor, who then decides whether charges will be filed (retrieved from Serrano, 2013)” (p.4). With the passage of HB2398, the issuance of citations has ceased to exist and has been replaced by Truancy Prevention Measures. As a result, issuance of on-campus citations (ticketing) has decreased by 83 percent in 2014, the year changes were made (Texas Office of Court Administration, p. 120).” (p. 4).

It took the STPP sixty years to make an indelible negative impact on Texas’ juvenile students. With truancy being perhaps their first exposure to the juvenile justice system, it is

critical that proper implementation of HB2398 be effectuated with the guidance of knowledgeable school administrators and other stakeholders. With the move from a criminal court to a family court venue, it is imperative that increased levels of school administrative scrutiny and a committed view to ensuring all students receive due process through educational attainment, and in cases involving juvenile placement, the STPP may experience its demise within the next decade (Jefferson, 2012).

Summary

Chapter II is a review of the literature regarding information to better understand the historical, legal, and political climates which ultimately led to the implementation of House Bill 2398. The chapter begins with a historical overview of seven events or laws that transformed education. The seven events include: Brown vs. Board of Education (1954); the Launch of Sputnik (1957); the Elementary and Secondary Act of 1965; the Publication of A Nation at Risk (1983); the Authorization of the Every Student Succeeds Act (2015); and the passage of House Bill 2398 in the state of Texas. This study focused on House Bill 2398 and its implementation.

The literature review continued with a historical view of compulsory education in the United States and Texas followed by a discussion on compulsory school attendance in the United States and Texas. This was followed by a historical account of the evolution truancy from voluntary action to compulsory attendance mandated through legislation started by the rise of the industrial revolution in the United States.

The discussion on the 90% Rule and Average Daily Attendance dovetail as they establish the rationale for working with students displaying truant behaviors. This is followed by a discussion on mandatory reporting to the Texas Education Agency; the mandate requiring 420 minutes of classroom instruction per week. Next, the differences between absenteeism, truancy and chronic absenteeism is explained or differentiated.

The law prior to 2015, criminal court process is explained in depth to include the call for truancy reform and the implementation of House Bill 2398, which defines the movement to family court and decriminalization of truant behaviors.

Truancy Prevention Measures are explained and the exemptions to policy are defined – foster care; homeless students; pregnant students; principal income earner. Special focus is given to special education and 504 students as they tended to be over-represented in truancy court.

The County Truancy Plan which serves as the gatekeeper for students referred to court is discussed. There remains divided opinions on the effectiveness of the plan and how it can meet the needs of all campuses in a metropolitan setting.

The literature review ends with a discussion on the School-to-Prison pipeline which lays a foundation as to how truant behaviors can be the first step among many where truant students find themselves refusing school, involved in criminal activities, and ultimately on the road to incarceration.

Chapter III

Methodology

Introduction

The purpose of this qualitative study was to explore Far West Texas school administrators' perceptions of truancy policy as implemented through mandatory Truancy Prevention Measures as they were implemented on secondary high school campuses. These administrators serve as Campus Truancy Administrators. With truancy no longer a criminal offense and with the Texas Legislature mandating schools and parents take more responsibility for compulsory attendance, the majority of the intervention falls upon Campus Truancy Administrators. A referral to truancy court should be used as a last resort and only when all attempts with Truancy Prevention Measures have proven successful.

The intent was to obtain an understanding of Truancy Prevention Measures adopted by the 84th Texas Legislative session through the passage of the 2015 Truancy Reform Bill (HB2398) and to report Campus Truancy Administrators' perceptions of the process. The primary objective of truancy reform was to eliminate the criminal offense of *failure-to-attend-school* with the goals of decriminalizing the status offense of truancy, reducing the number of students referred to municipal courts, and increasing student engagement, graduation rates, and parental involvement.

This qualitative study investigated Campus Truancy Administrators' perceptions of implementation of Truancy Prevention Measures to their effectiveness in reducing truant behaviors. The interventions are designed to assist students in improving their attendance; thus, reducing the likelihood of being referred to truancy court. Campus Truancy Administrators are obligated to meet with students throughout the process of truancy reduction, provide response to

intervention, and make referrals to outside social service agencies, if applicable. These measures also require the collaborative efforts of parental involvement. The Texas Legislature has mandated that parental involvement play a significant role in the successful implementation of HB2398 and the administration of the Truancy Prevention Measures, as it specifically seeks to hold both school districts and parents responsible for increasing truancy rates. A referral to truancy court should be used as a last resort and only when all attempts with Truancy Prevention Measures have proven unsuccessful.

Personal Perspective

As the primary investigator, I am reminded that I am influenced by my life experiences and those individuals I have met throughout the thirty-plus years I have been an educator in public schools. I have been appointed an Assistant Principal for the past twenty years by two independent school districts in Far West Texas. Of those twenty years, I have been the Campus Truancy Administrator at both the middle and high school levels. Over the past sixteen years, I estimated I have personally referred over 800 students to truancy court and close to 100 parents were mandated to appear before the Justice-of-the-Peace to explain their child's chronic truancy.

Parents who did not respond to the initial referral issued by the campus and served by a court bailiff, were then served with warrants for their arrest. It was at that point parents sought my assistance with the truancy process. Thus, I have been perceived as the administrator responsible for their child not being in school that day, in addition to the dates appearing on the court docket. I am responsible for both parent and child having their names placed on the docket, responsible for them having to defend themselves against the Assistant District Attorney, and having them appear before the Justice-of-the-Peace and have a series of consequences levied against them.

On the other hand, parents also view me through another set of lenses where they may perceive me as the one person who can positively influence both the Assistant District Attorney and have their cases either reset, thrown-out, or negatively adjudicated, meaning they are responsible for paying the \$592.00 fine for each incident of truant behavior. Clearly, the anti-truancy protocols which were in existence prior to 2015 were not effective for the vast majority of those 800 students who were truant. They certainly were not effective for parents, as I witnessed Justices-of-the-Peace mandate they attend parenting classes, enroll both their child and themselves in social services programs, and subject their child to court-ordered drug testing. The truancy prevention protocols did not work when the judge would mandate that the parents quit their jobs and personally escort their child to each class for a prescribed period of time.

Whenever possible, it was the Campus Truancy Administrator who, despite how egregious the offense of truancy was, attempted to soften the blow by advocating for the student, explaining to the judge that mitigating factors needed to be considered in a particular case, trying to convince the student and his parent, and sometimes the court officials, that punitive measures, such as monetary fines did not serve the best interests of neither, student, parent, the court, nor the school district.

There are many stories I can recall where the acts of truancy and the manner in which they were adjudicated presented an opportunity to increase the levels of dysfunction in the lives of families that are already at risk. It is due to my experiences that I am drawn to this topic in order to seek answers to assist fellow Campus Truancy Administrators in tailoring mandated Truancy Prevention Measures to fit the need of their campus and the individual needs and concerns of both students and parents.

Research Method and Design

For this study, the researcher utilized a qualitative approach using narrative inquiry to gain an understanding of administrators' perceptions of truancy policy and Truancy Prevention Measures. According to Clandinin & Connelly (2000), qualitative research allows individuals to use their voices within the context of their lived experiences, thus allowing them to share and emphasize their understanding of a phenomenon through lived and told stories. Further, qualitative research methods can also be used to investigate meaning and provide understanding by analyzing data and interpreting emerging themes (Creswell, 2009).

Narrative Inquiry

The use of narrative inquiry design allowed the researcher to gain an understanding of Campus Truancy Administrators' perceptions of truancy policies and their varied approaches to implementing mandatory Truancy Prevention Measures. As described by Ntinda (2020), narrative inquiry is a qualitative methodology "that focuses on life stories as the essence of people-oriented sciences" (p. 1), and is used "for its unique value to representing social phenomenon in its full richness and complexity as well as providing a particularly generative source of knowledge about meaning individuals ascribe in their daily social contexts" (p. 3). Clandinin (2006) states that narrative inquiry is an "old practice that may feel new for a variety of reasons...this emergence has become intensified talks about our stories, their function in our lives, and their place in composing our collective affairs" (p.1). Ntinda (2020) further explains that "a lived narrative seeks to engage participants through telling stories about their lived lives with no presumptions about the importance specific experiences" (p.4).

The narrative approach was selected for this study because it "is the best way of representing and understanding experience" (Clandinin & Connelly, 2000, p.18), as participants

related their experiences through implementation of policy and the subsequent intended and unintended consequences.

According to Riessman (2008), most narratives are based on interviews. The researcher conducted individual semi-structured interviews with Campus Truancy Administrators from school districts located in Far West Texas public school districts to explore emerging themes on truancy, effective Truancy Prevention Measures, changes to truancy laws, and knowledge of the *County Truancy Prevention Plan*. Narrative researchers use individual interviews as a method of collecting data from participants in the from which emerging themes can be retrieved. Interview questions were designed with purposive sampling in mind to target participants who had specific experience in responding to truancy issues. According to Riessman (2008), semi-structured, open-ended questions allow research participants to share extended narratives and allow the researcher to ask additional follow-up questions and seek clarification to responses.

Guiding Research Questions

The three questions which guided the interview process and follow-up questions were strategically designed to encourage elaboration on statements made by the participants. The following research questions guided this study:

1. What are the perceptions of Campus Truancy Administrators in Far West Texas of anti-truancy protocols that existed prior to 2015?
2. How have Campus Truancy Administrators in Far West Texas interpreted and enforced Truancy Prevention Measures with respect to individual campus culture?
3. What are Campus Truancy Administrators' perceptions of the effectiveness of the *County Truancy Prevention Plan*?

Target Population and Participant Selection

Seven Campus Truancy Administrators from independent school districts in Far West Texas were recruited to participate in this study. All Campus Truancy Administrators were volunteers who have received specified in-service on implementation and administration of Truancy Prevention Measures. Individual methods of administration of these measures may vary depending upon campus culture and the individual needs of the students and parents.

The Campus Truancy Administrators were sent a written invitation by email as well as an informed consent form soliciting their participation in the study. Each participant was provided with an explanation of the purpose of the study and asked if they would participate in the research study. The small sample size of truancy administrators is justified as only one assistant principal per campus may serve in that capacity. In utilizing purposive sampling, the purpose is to seek solutions to problems and questions that are context-specific (Stringer & Dwyer, 2005), thus this sample size is appropriate.

The method of purposive sampling was used to select participants for this study. Purposive sampling “involves selecting a sample based upon the researcher’s experience or knowledge of the group to be sampled” (Lunenberg & Irby, 2009, p. 175). Clandinin & Connelly (2000) emphasized the selection of participants whose lived experiences can be shared and told as stories. The researcher invited twenty-five secondary high school Campus Truancy Administrators employed throughout the county of a city located in Far West Texas to participate in this study. Of the twenty-five administrators invited to participate, twelve completed informed consent forms and were scheduled for semi-constructed, one-on-one interviews. By selecting only high school Campus Truancy Administrators whose students have similar educational demographics, the researcher was able to gather data on their perceptions and understanding of

the new truancy policy (2015) as codified under House Bill 2398; thus, establishing a process by which truancy prevention measure would be implemented on their campus, and their perceptions of which Truancy Prevention Measures were most effective in reducing truancy. According to Yin (2012), “more value is placed on participant insight when the key persons of an organization contribute.” Participants received in-servicing on the Truancy Prevention Measures required of the state, and were typically assigned duties such as attendance coordinator, loss of credit (LOC) coordinator, and Campus Attendance Committee (CAC) chair. Of the twelve participants, five elected not to continue with the study citing employment commitments, time constraints, career transfers to different cities and school districts, and promotion to the principalship.

The research study was discussed in detail with all participants and they were extended the opportunity to refuse to participate without any negative consequences. A Letter of Introduction was provided to all participants in this study. This letter consisted of a brief explanation of the study, protocol for the interview process, and the right to review their responses. A consent form seeking permission to record their information and assure them of the confidentiality of the study which included the following: an invitation soliciting their participation in the study; information on the nature of this study; and advising them of their right to withdraw from this study at any time. Each participant had the opportunity to sign the consent form and obtain a copy of such. The original consent form was kept in my personal file cabinet under lock and key. No other individual had access to the file cabinet throughout the duration of the study. Data collected was transcribed and stored on flash drives and will be kept secure for a period of time not to exceed five years. Original notes taken during the interview process will be properly disposed of by a professional shredding contractor with the primary investigator in attendance.

Selection of Participants

The technique of purposive sampling was used to select the secondary high school participants for this study. According to Lunenburg & Irby (2008, pg. 175), purposive sampling consists of “selecting a sample based on the researcher’s experience or knowledge of the group,” (Lunenburg & Irby, 2008, pg. 175) while Clandinin & Connelly (2000) emphasize the selection of participants whose lived experiences can be shared and told as stories. The researcher invited twenty-five secondary high school Campus Truancy Administrators employed throughout the county of a city located in far West-Texas to participate in this study. Of the twenty-five administrators invited to participate, twelve completed informed consent forms and were scheduled for semi-constructed, one-on-one interviews. By selecting only high school Campus Truancy Administrators, the researcher was able to gather data which applied to the process of implementing effective truancy reform measures in addition to implementation of effective credit restoration processes due to consequences of chronic truancy. According to Yin (2012), “more value is placed on participant insight when the key persons of an organization contribute.” Of the twelve participants, five participants elected not to continue with the research citing employment commitments, time constraints, moves to another city, and a recent promotion to principal.

Participating administrators were contacted individually by the researcher to schedule individual face-to-face interviews held at mutually agreed upon locations at a time and date agreed upon by the researcher and participants.

Of the seven participants completing the study, three were female and four were male. One participant was Caucasian and the remaining six identified as Hispanic. Participants’ ages ranged from 46 to 57 years of age. Of the seven, four were married, while three identified as divorced or single. All participants held Master’s Degree in Education; One earned a Doctoral

Degree in Educational Leadership and Foundations, and one completed post-master's degree superintendent courses and was pursuing entrance into a doctoral degree program. All participants, except for two, aspired to become a campus principal. Of the two, one was a former principal who expressed no desire to return to the position due to family obligations. All participants served as Campus Truancy Administrators for a minimum of two years prior to changes made through HB2398, and all but one participant had a minimum of five years' experience in education administration.

Secondary school administrators designated as Campus Truancy Administrators were chosen by the researcher. Utilizing the method of purposeful sampling, the researcher chose subjects who were knowledgeable and experienced in their respectful areas and who could contribute to the development of the emerging themes (Bogdan & Biklen, 2007). With the Texas Legislature authorizing sweeping changes to truancy policy within the state, it was important to gain an understanding of truancy and how campus truancy administrators would perceive and implement state-mandated Truancy Prevention Measures to reduce student absenteeism and drop-out rates and take steps towards increasing graduation rates. The focus of this study consisted of Campus Truancy Administrators employed in public school districts located in Far West Texas.

According to Clandinin and Connelly (2000), an acceptable sample size for action research consists of five to eight qualified and selective participants. Twenty-five campus administrators employed by public school districts in Far West Texas were initially invited to participate in the research because "more value is placed on participant insight when key persons of an organization contribute" (Yin, 2012). For this research, only secondary high school Campus Truancy Administrators were invited to participate, as they were specifically charged

with implementing district, county, and state truancy policy. Participants were selected from three large urban school districts located in the metropolitan area. According to the Texas Education Agency (TEA) 2016-17 Texas Academic Performance Report (TAPR), the Regional Profile student ethnic distribution was as follows: 2.3% African American, 90.2% Hispanic, 5.6% White, 0.2 American Indian, and 0.9% two or more races. 74.3% of students were recorded as economically- disadvantaged, and 53.5% of students were at-risk.

Data Collection

The data collected for this study was obtained through one-on-one interviews with the primary researcher. Individual face-to-face interviews of purposely selected Campus Truancy Administrators were conducted by the researcher to gain an understanding of administrators' perceptions of Texas truancy policy based on their lived experiences. Participants were provided with consent forms and audio-recording consent forms prior to data collection. Informed consent allowed participants to acknowledge the protection and rights of individuals who chose to participate in the research data collection (Cresswell, 2009).

Participating administrators were contacted individually by the researcher to schedule individual face-to-face interviews held at mutually agreed upon locations. Each interview lasted approximately 45-90 minutes in length and the same interview questionnaire was used for each interview to gain insight into participants' perceptions of truancy, Truancy Prevention Measures, and the *County Truancy Prevention Plan*.

Each interview was recorded as an individual digital file. The researcher then transferred the file to a password-protected laptop computer after which the original digital file from the recording device was permanently deleted. The files from the password protected laptop were also backed up to a USB device which will be destroyed after the study is complete.

Any information which identified either the participants or the school districts discussed was excluded from the final report. Interviews were transcribed within 48 hours of each session by the researcher with the transcripts made available to each participant for review. The process of consulting study participants is called member checking (Saldana, 2016) and was utilized by the researcher to confirm the accuracy of transcription. According to Cresswell (2013), member checking “involves taking data, analyses, interpretation, and conclusions back to the participants so that they can judge the accuracy and credibility of the account” (p. 252). A copy of each participant’s transcript was made available for review and acknowledgment that the intended insights of their perceptions of truancy were accurately recorded. Participants were allowed to provide additional information and clarification of statements to ensure their perceptions were accurately recorded and errors were corrected.

Procedures

The study was comprised of interviewing seven Campus Truancy Administrators to determine their perceptions of the newly mandated Truancy Prevention Measures. The interview questions queried Campus Truancy Administrators about their approaches and perspectives on what works to increase attendance, reduce the number of students and parents referred to the courts, and establish relationships with school personnel.

The study population consisted of seven truancy administrators who work in public high schools in Far West Texas. The schools’ implementation of the mandated Truancy Prevention Measures was categorized based on internal and external policies. The administrators answered a series of questions designed to provide insight into the specific aspects of the decriminalization process of truancy while the interviewing aspects of the study could uncover valuable information about which Truancy Prevention Measures were effective and why.

The purpose of the narrative inquiry was to gain insight into the perceptions of Campus Truancy Administrators who have been charged with implementing truancy reform mandates on their campuses. The research design focused on determining solutions for the truancy decriminalization process through the completion of personal interviews and identifying effective proactive approaches to reducing truancy. Through the use of open-ended questions, the primary investigator gained insight as to how effective some truancy reform measures are, as opposed to others in the rate of court referrals. By using professional interviews, truancy administrators were afforded an opportunity to provide valuable insight into how each truancy prevention measure was customized to meet the individual needs of their campus' cultural environment, while simultaneously adhering to the intent of the law.

The personal interviews revealed whether or not Truancy Prevention Measures contributed to an overall reduction in court referrals for students and parents. The analysis of interview transcripts was designed to reveal the patterns, and themes in both internal and external Truancy Prevention Measures and how they were successful in reducing court referrals from campuses located in southwestern school districts in Texas.

Data Analysis

In analyzing data from both Campus Truancy Administrators, the investigator looked for trends in individual answers. The interviews were audio-recorded, transcribed, and recorded on an Excel spreadsheet which was designed to record recurring themes based upon subtopics. For this study, the researcher used semi-structured, open-ended interview questions to allow participants to express their perceptions of lived experiences. Semi-structured, open-ended questions allowed participants to share extended narratives and personal insights, while allowing the researcher to ask follow-up questions as necessary for clarification of information

(Riesmann, 2008). All participants were interviewed using the same questionnaire (see Appendix C) with interviews conducted until data saturation was achieved. Interviews were audio recorded and transcribed by the researcher. The accuracy of each transcript was validated by the researcher by listening to the audio tape recording while reading each transcript. Any identifying information such as names of the districts, campuses, and significant individual participants may have had interactions with were stricken from the transcripts. The researcher also utilized the method of member checking, which is the process of consulting participants to validate the accuracy of responses (Saldana, 2016). A written transcript was provided to each participant for clarification of their responses and to clarify answers, as necessary. Only Participants 2, 4, 5, and 7 gave feedback for clarification. The feedback was noted in the transcripts after the second interview.

The researcher used a Windows 10 Excel spread sheet upon which research questions were listed. Each research question was broken down into themes and subthemes which were recorded line by line. Emerging patterns in the participant's words and phrases were recorded on the spreadsheet.

Instrumentation (Survey)

Since truancy court is a duty I had assumed while assistant principal, on five different campuses, for at least 10 – 15 years. I had the opportunity to interact with other assistant principals and court personnel, we shared our experiences, discussed concerns, and attempted to resolve mutual issues, such as allowing submission of absence excuses past the stated deadline, which meant we would not have 10 consecutive days of truant behavior as specified in the paperwork.

Issues regarding special education included such concerns as: parents not present at court; special education students under the age of 18; and no one advocating for SPED students. All students were signing legal paperwork that they most likely did not understand. For example, the court clerk would ask the students if they wanted to plead out their case or if they wanted to fight it, to reschedule. So they said they could reschedule and come by themselves or come with an attorney. Then the court clerk would make the comment that if they wanted the case over and done with today, to go ahead and sign this legally binding document that the students were given less than 30 minutes to read. Many of us Campus Truancy Administrators were not in agreement with this option.

There were multiple issues with pregnant students receiving automatic excuses for cumulative absences. Sometimes students had more than 25 absences and the judge would automatically dismiss the court charge based on the visual appearance of the student. The issues with the pregnant students involved absences for pre-natal care and morning sickness. We would find girls close to delivery appearing in court with 20 or more absences with the excuse that they could not come to school because of their pregnancy.

Based upon my professional relationship with the sitting judge, I asked a group of assistant principals to submit questions that I could send to the Assistant District Attorney for consideration to be included in the instrument. I also asked for questions from the judge. Once I received the questions, I piloted the instrument as a survey with the assistant principals and based upon the information I received, I developed the interview survey instrument with these questions.

From the categories presented, a list of questions was presented to capture the relevant data for the study (see Appendix C for a copy of the instrument). Interviews with Campus

Truancy Administrators consisted of a series of open-ended and unstructured questions designed to gather their perceptions of Truancy Prevention Measures, their expectations on how effective these measures were, and how they can adapt these measures to ensure their campus culture is supported.

The following categories were used to gain insight into the Campus Truancy Administrator's experiences and perceptions:

1. Administrative Demographics

The Demographic section of the survey instrument has six questions asking age; ethnicity; marital status; highest level of education; years of experience in education; and years of experience as an administrator. These questions were designed to collect basic information from the participants and as "warm-up" questions for the participants to feel comfortable with the questions to follow.

2. Anti-Truancy Protocols (old policy)

The Anti-Truancy Protocol section had three questions which focused on knowledge of the old truancy policy, prior to 2015. This section was developed to gauge Campus Truancy Administrators' knowledge of the old law and how it was implemented on their respective campuses. It served as the base for how much the participants knew about implementing the old policy. This would be relevant in their understanding of how to implement new policy and how to foresee obstacles associated with the process.

3. Professional Development

The Professional Development section had five questions focused on the amount of training and in-services Campus Truancy Administrators received to effectively implement HB2398 on their campuses. The first question asked about their familiarity

with the changes to Texas law and what policies would replace it, and how Anti-Truancy Protocols differed from Truancy Prevention Measures. The questions solicited information on what types of in-service and professional development Campus Truancy Administrators received; how in-depth the training was; knowledge of the law; when to submit documentation of truancy; and court procedures. It also inquired as to why and how the Campus Truancy Administrators were selected for the position. This question gauged their commitment to the new truancy process after 2015. This is important because the level of responsibility placed upon the Campus Truancy Administrator involved more time and corroboration with ancillary and paraprofessional staff in order to successfully implement the policy.

4. House Bill 2398

This section consisted of three questions which inquired about their knowledge of House Bill 2398 which decriminalized the truancy process and its jurisdiction in family court, as opposed to the old law which was rooted in criminal court. The questions addressed who was charged with implementing Truancy Prevention Measures on the campus, and how it would include individual campus culture. In addition, the section asked about The Ninety-Percent Rule, and how it impacted implementation on individual campuses.

5. The County Truancy Prevention Plan

This section on the County Truancy Prevention Plan had six questions asking the Participants their knowledge of the new County Truancy Prevention Plan as well as their effectiveness in implementing the plan. The first two questions asked their familiarity with the plan and which areas have they been most successful in implementing. The next two questions asked the areas that have been the most effective or ineffective in

implementing. The last question asked how the Participants have incorporated parental involvement as described in the County Truancy Prevention Plan.

This section addressed the expectations of the Assistant District Attorney and local educational agencies officers (Superintendents, Directors of PEIMS, etc.) serving on the County Committee who were empowered with overseeing the implementation of HB2398. By ensuring a comprehensive and calibrated approach to understanding the expectations of truancy administrators on each high school campus, these questions gauged the level of knowledge of the plan and served as a guide ensuring each Campus Truancy Administrators and would ensure the basic tenets of HB2398 were closely followed.

6. Administrator Experience

This section on Administrator Experience had four questions involving thoughts, perceptions, and experiences on truancy, Truancy Prevention Measures and court interventions. The Participants were asked for their thoughts on truancy and court intervention as well as what factors they believed contributed to truancy. Thinking of the truancy process prior to 2015, the Participants were also asked if they would want to reinstate an old Truancy Prevention Measure. Finally, Participants were asked about their personal experiences with Truancy Prevention Measures in terms of specific student groups, such as pregnant; homeless; foster children; and students as the primary source of income for their family.

This section addressed a multitude of issues directly associated with knowledge of implementation of HB2398. The multi-faceted areas of HB2398 required knowledge of the former law (criminal court) an understanding of the new law (family court); a basic

understanding of special education law pertaining to Free and Appropriate Public Education (FAPE); knowledge of McKinney-Vento Homeless Education Assistance Improvements Act (homeless students); Title IX (Texas Ed. Code, 51.982 (SB 412) pregnant students; and knowledge of socio-emotional training in order to legally and successfully implement Truancy Prevention Measures on high school campuses, while allowing for cultural expression unique to individual campus settings.

7. Additional Information to Add

The last question was an opportunity to clarify the Participants' responses to their knowledge of Truancy Prevention Measures.

Ethical Consideration

In order to protect the privacy and well-being of the research participants, permission was sought from the university Institutional Review Board (IRB) before beginning the research process. Participation in this study has a low risk of harm to the participants and could withdraw at any time. The relative low risk of harm associated with this study supports the need to gain insight into campus administrators' perceptions of truancy reform. By focusing on the perceptions of the participants, it was anticipated that a rich, thick foundation for understanding the problem of truancy, and how Truancy Prevention Measures can be further adapted and developed by Campus Truancy Administrators in the future and assist in the overall success with the *County Truancy Prevention Plan*.

Each participant was informed they would be identified by participation number only, and no identifying information would be disclosed. Participation in this study was completely voluntary and participants were able to choose to discontinue participation at any time during the study without penalty. Participants interviewed for this study received no compensation.

Data collected for this research study was kept confidential and only the researcher had access to the data for the duration of the study. No identifying information was disclosed, and codes used on interview questionnaire were known only to the primary researcher. In addition, all information identifying participants, school districts, or service support centers was either masked or deleted from the final report. Finally, all electronic data was stored on a password-protected laptop and paper files were stored in a locked filing cabinet. All data associated with this research study will be destroyed after 5 years.

Summary

Chapter 3 begins with an Introduction of the study which explored Far West Texas school administrators' perceptions of truancy policy at secondary high school campuses after the implementation of Truancy Prevention Measures as mandated by House Bill 2398. The chapter continues with the personal perspective of the researcher who is a seasoned high school administrator with over 25 years as an assistant principal and over twenty years as the Campus Truancy Administrator.

The study was a qualitative approach using narrative inquiry to organize and compile the perceptions and understanding of Campus Truancy Administrators' use of Truancy Prevention Measures on high school campuses. Seven Campus Truancy Administrators participated in the study, all from school districts in Far West Texas. The data was gathered through a questionnaire which consisted of twenty-seven questions and focused on six areas: Administrative demographics; Anti-truancy protocols (old policy); Professional development; House Bill 2398; the *County Truancy Prevention Plan*; and Administrator experience.

Chapter IV

Findings

Introduction

The purpose of this qualitative study was to explore Far West Texas Campus Truancy Administrators' perceptions of their approaches to implementing mandated truancy prevention measures on their campuses as prescribed by HB2398. Through use of qualitative research, participants in this study used their voices within the context of their lived experiences to formulate their perceptions and answers to questions presented by the researcher. The researcher selected a narrative approach for this study. In accordance with Clandinin and Connelly (2000), narrative inquiry focuses on the personal lived experiences of participants, allowing their experiences to be retold in the form of stories.

The following research questions were used to explore Far West Texas Administrators' perceptions of truancy policy and their approaches to implementing mandated truancy prevention measures on their individual campuses:

4. What are the perceptions of Campus Truancy Administrators in Far West Texas regarding understanding of truancy policy both prior to 2015 and afterward?
5. How have Campus Truancy Administrators in far West Texas interpreted and enforced truancy prevention measures with respect to individual campus culture?
6. What are Campus Truancy Administrators' perceptions of the effectiveness of the *County Truancy Plan*?

Descriptions of Participants

Of the seven participants completing the study, three were female and four were male. One participant was Caucasian and the remaining six identified as Hispanic. Participants' ages

ranged from 46 to 57 years of age. Of the seven, four were married, while three identified as divorced or single. All participants held Master's Degrees in Education: one earned a Doctoral Degree in Educational Leadership and Foundations, and one completed post-master's superintendent courses and was pursuing entrance into a Doctoral Degree program. All participants, except for two, aspired to become a campus principal. Of the two, one was a former principal who expressed no desire to return to the position due to family obligations. All participants served as Campus Truancy Administrator for two or more years, and all but one participant had a minimum of five years of experience in education administration. All participants were labeled as Participant 1 through Participant 7 for the purpose of the study.

Participant 1, a 57-year-old married Hispanic male held the position of Assistant Principal in charge of attendance for five years. Prior to his immediate position, he was an elementary and middle school principal, as well as an alternative school assistant principal. He had worked in two school districts for a total of 29 years, of which 22 years were in administration. He is the primary truancy administrator on his campus.

Participant 2, a 47-year-old single Hispanic female, held the position of Campus Truancy Administrator on her third high school campus since 2014. She had 23 years of educational experience, having previously worked in two school districts as a teacher and Student Activities Director. She has been a Campus Truancy Administrator for seven years.

Participant 3, a 46-year-old married Hispanic female who had 15 years of educational experience, ten of which as an administrator. She has worked for two school districts in the metropolitan area at the secondary level on both comprehensive and alternative campuses and aspires to become a campus principal. She is the primary truancy administrator on her campus.

Participant 4, a 47-year-old married Hispanic female who had 13 years of educational experience and had been an administrator for the past two years. She had completed additional course work beyond the Master's Degree and had applied for admission to three Educational Leadership programs. She was undecided on pursuing either the Ed.D. or Ph.D. program. She was recently appointed to a high school Principalship in a school district in the metropolitan area.

Participant 5 is a 50-year-old single Hispanic male who had 22 years of educational experience. He had 13 years of classroom education experience at the secondary level, of which seven were as an administrator. He holds a Doctorate in Educational Leadership and Foundations. He had been the Campus Truancy Administrator for 5 years and currently serves as an Assistant Principal. Participant 5 was also a former paralegal and used this background knowledge to frame his responses.

Participant 6 is a 47-year-old married Caucasian male who had 24 years of educational experience of which nine had been as an administrator. He worked on both comprehensive high school campuses and a disciplinary alternative school at the secondary level. He had been the Campus Truancy Administrator for seven years.

Participant 7 is a 53-year-old divorced Hispanic male. He holds a Master's Degree in Education as an Instructional Specialist and had been a secondary educator for 25 years, of which 12 had been as an administrator. He had been the Campus Truancy Administrator for six years.

The following findings are presented by specific research question and theme.

Research Question 1

What are the perceptions of Campus Truancy Administrators in Far West Texas regarding understanding of truancy policy both prior to 2015 and afterward?

Research Question 1 served as the foundation by which to gauge Campus Truancy Administrators' understanding of the previous law in relation to changes brought forth by the passage of HB2398. Participants shared their opinion and observations on what they believed was successful or unsuccessful with the old policy and expressed their concerns with the new law. Themes which emerged included: Understanding of truancy processes prior to 2015; Understanding of House Bill 2398; Professional development; Selection of Campus Truancy Administrator; Time and resources expended on truancy process; The 90% Rule; and Loss of Credit.

Theme 1.1: Understanding the Previous Truancy Processes Prior to 2015 and Afterward

All seven participants expressed varying degrees of understanding truancy policy prior to passage of HB2398 as it had been in effect for several years. This was true for both administrators who were and those who were not in charge of attendance on their campus and played no role in the truancy court referral process. The variance in understanding was attributed to the assigned campus duties held by administrators, as they were responsible for programs such as special education; Section 504; athletics; academics; etc. Campus Truancy Administrators with more than five years administrative experience were more likely assigned as attendance coordinator, which directly related to implementing campus truancy policy. Participants 1 and 7 expressed limited levels of experience with truancy policy prior to 2015, as their campus duties consisted of tending to curriculum implementation and University Interscholastic League (UIL) policies and compliance. Participant 1 stated he was in charge of curriculum at the time and his colleague who was in charge of attendance did a good job handling truancy. Now Participant 1 is the only Assistant Principal on his campus and these duties cannot be assigned to the principal, therefore Participant 1 is now the Campus Truancy Administrator by default. Since assuming the

position of Campus Truancy Administrator, he wished he had more background knowledge with the previous policy. “I would have liked to have been able to see the transition to the new policy to help me understand why it’s so time consuming.” Participant 7 stated “I would not have had time to completely understand the entire truancy process on my campus because I was in charge of athletics, working with the coaches and making sure our athletes were eligible to play their sport every three weeks (No Pass, No Play). Adding attendance and truancy court would have been too much.

Participant 4 stated:

There was collaboration between the Assistant Principal (AP), the attendance clerks, and the truancy officer. Those were the primary players in the truancy prevention plan on campus. The AP over truancy would bring those students in and have a conference with the parents and that was pretty much the way it was handled. The other AP’s in the school wouldn’t play a major role. They would file a paper for students with three days of truancy, but the main player was the Assistant Principal in charge of attendance. We would go ahead and go through the procedures and processes and students who didn’t meet the (attendance) requirements would be filed upon for truancy court in the precinct that served our learning community.

Participant 2 added:

I know that students were a lot more afraid of being sent to court at least in my (previous) experience as a teacher and as an AP that first year. It was very much a threat You saw a change in their behavior when you would tell them, ‘Look, you miss two more times and you’re going to court, or you know, you would use whatever, fill-in-the-blank.’ It seemed to me, in my perception, the old law had a whole lot more of a sense of urgency for both

the student and the parent, especially because word had circulated on campus that there was a fine or community service hours, or something that had to be done immediately as opposed to what we've come to now.

Participant 4 mentioned truancy prevention methods that had been used that she perceived as successful:

I believe here, in our district, we believe we do a good job. I know we've had our home visits, I know that maybe that wasn't something that was done the same way throughout the district, but I think the campuses and administrators all tried to get our students into school. So, I think it was not a set plan per-say, but all the schools wanted the kids on campus. We all had different sets of plans that were similar to trying to get our kids on campus. Maybe it wasn't very successful, or very procedural, but I think all of us, at every campus, had a plan in place.

Participant 5 provided a thorough understanding of the process, and of the roles and responsibilities associated with those implementing the process, stating,

I am very involved in the truancy process. The truancy process is composed of attendance office clerks, the school counselor, the school Assistant Principal, and the Principal.

Together documents are completed, regulations complied with, and all within the pursuant deadlines that the state mandates.

Theme 1.2: Understanding of House Bill 2398

HB2398 replaced the old policy which was based in criminal court. It is important for a Campus Truancy Administrator to be familiar with this House Bill, because it is the new standard for dealing with truant behaviors in the state of Texas. Truancy court is now in family court whereas before it was criminal court. HB2398 decriminalized the process. If a Campus

Truancy Administrator is not familiar with the law, they are out of compliance and the truancy case might be dismissed.

There were varying levels of understanding of HB2398, as two participants were in their first year and were grappling with how to best implement the changes. Participant 3 stated, “I would describe it to you as almost similar to what we are doing now in terms as making the phone calls, talking to the students, issuing letters of warning and try to get them to come to school and have the parents be aware of the truancy, although a caveat is that is that in 2015, I was at the elementary school so the numbers were a lot smaller than what I’m at right now. Participant 1 mentioned he was familiar with the law because “I’m dealing with it more than I did before, but I’m not familiar with the house bill specifically to answer questions on specific individual measures.”

Participant 2 expressed her knowledge of and frustration with the policy in with the following commentary:

I am very familiar with the new policy due to the fact that I am now responsible for attendance in my school and when the law changed, essentially from being a criminal act to a civil act, it changed everything. It became a law with no teeth. Let me give you an example: Parents go to court now because students do not attend school and the worst that can happen is a fine, and the judge will give them an opportunity to go to school, and if they go to school, the fine will be dropped. So, it’s not even “let’s give you a first, a second, a third chance.” I’ve had two particular students I can think of off the top of my head. I’ve gone to court four times just to make sure they were in compliance and for three of those four times they were not in compliance. And at no time was there ever a fine. That many times in one semester! If anything, the process became an inconvenience

for the parent because they had to take time off from work. It was almost a joke to the kid because it was like, “Oh, he’s already given me a third chance.” And so, at what point was there ever to going to be a consequence?

Participant 3 noted the change in the timeliness of issuing a truancy referral. “With ten days, you have to follow-up if the kids are not in school, the letters must be sent. We have to make sure they are sent out on time. In Texas, our 90% rule, you know, if the kids are not in attendance 90% of the time, we have to hold those conferences and let parents know they (students) are getting very close to losing their credit. Loss of credit here is very big. Especially for high school.”

Participant 2, having recently attended truancy court, wanted the following perceptions of HB2398 added to her previously recorded response:

My understanding of 2398 is that we moved, as a State, away from prosecuting children as criminals for not coming to school and instead of turning it into a 45-day plan that the school must issue, in other words, they are putting (the responsibility for student behavior) back on the school. You have 45 days to get this parent and child an opportunity to change their ways, to change their behavior, change the way they are doing things, and my feelings, and I don’t know if that’s part of your question, but I’m gonna’ go there anyway. Is that, well, if they were doing that right to begin with, we wouldn’t have a truancy issue. I mean, if we knew what the truancy measures were, we would have done that a long time ago. That would have been part of that child’s educational plan. Period.

So, I have issues with the fact that the legislature put it back on the schools for number one. Because short of going and picking up the kid and taking him out of bed,

there is really nothing a school can do if the student is not coming to school. And a parent can tell you I'm dropping-my kid off every morning, but rather, they choose to walk in the door, that's another thing. You know? At what point and whose responsibility is it? And my answer is, it's the parents. It has to be the parent. Just like it would be the parent's responsibility for any other ill behavior the child did. If the child shoplifted at Wal-Mart, they're not going to call the school, they're going to call the parent. Well, that's bad behavior, too. So, I don't understand.

I understand how the law changed and changing it from criminal to civil, and that they wanted to take the legal aspect for having these kids have things that could turn into misdemeanors or felonies off their record. However, I also think that it was because, and this has always been my thought and I never did the research on it, but I think I'm assuming some state representative's kid got in trouble and then they realized this is where my kid is, and it's from not going to school and here I am having to deal with it. And they wanted to unclog the courts. But the law hasn't had the effect it was intended.

I laugh because I remember District Attorney John Smith, touting that the county went from 3,400 cases in the system in the metropolitan area and now the county is at 300 cases. Well, that doesn't mean that the problem corrected itself. It means, Number 1: if students make it to court, because it's up to the District Attorney to pick-up the case. And there are all kinds of loopholes that can thwart that process. For example: they can count one missed class period as a full day? The judge, depending upon which court you're assigned to, can rule against that. Number 2: It also depends upon which Assistant District Attorney we have trying the case on behalf of the campus. Judge Johnson is very different from Judge Hernandez. I only got to see Judge Johnson for five minutes to

present my case before his court. So, I guess that was my understanding. It was the big shift from criminal to civil, from having a criminal record to now getting fined, and the 45-day plan, and putting the responsibility for truancy back into the school's hands.

According to the county judge, he keeps deferring to the *County Truancy Prevention Plan* but it's got holes in it. And that's just all there is to it. I don't know if the holes can be talked about in another question, but they are definitely loopholes (in the new policy).

Participant 7, clearly frustrated with the administrative requirements for implementing the law provided his in-depth experience with the changes to the law:

I'm not very familiar but as I understand the information and in-services I received; I know I cannot assign discipline to truancy concerns. I have not read the bill, but I am comfortable providing information on it to students and parents who come to campus when they have to sign warning letters, contracts or unfortunately have been scheduled for court. I'm not happy with them, though, because the measures make my job harder.

I know the court wanted this law to help students by not penalizing them with a misdemeanor citation, but in reality; it has made the truancy process a lot harder. There are so many prevention measures. Parents are angry because students now have to stay in school until they are 19 years old. There are a lot of families who need the student to work full-time to help with household expenses. Now they have to stay in school and cannot drop out, even though they are 18 years old. The parents feel they are being punished for something they did not do because they have to take off time from work and maybe have to pay a \$100.00 fine and court costs.

The biggest change for me was the news that we couldn't file on 18-year-olds. Well, we could in extreme cases, but there was no fine assessed to them, so basically, we

lost a lot of our power and clout. We have to file against parents. That makes them angry with us; now we are the bad guys, taking away credit from their kids and taking money out of their pockets.

The Bill was passed just as we were about to start the new school year, 2015-16. There was a lot of scrambling by the District and Region 19 to get the information out to the campuses. The new process is so complicated, especially with the new Truancy Prevention Measures. Placing the student on a contract: Issuing court warnings; holding parent/student meetings; counselor meetings; meetings with the Response to Intervention (RtI) committee; if the student is in Special Education; and having to schedule an Admission Review and Dismissal (ARD) meeting because now you're dealing with a change in that student's placement. There are so many rules that we must follow, and they are coming from TEA, so that means they are mandatory. If you customize the rules to meet your particular campus, then that means even more work.

Theme 1.3: Professional Development

Five of seven participants indicated they had received professional development which would enable them to successfully implement Truancy Prevention Measures. They referenced the annual in-service each participant received during administrative retreats held during the summer prior to the beginning of the school year. Some administrators mentioned they received random updates to policy to ensure compliance with state law and instruction from TEA when changes were to be implemented immediately.

Participant 3 stated, "As an administrator, yes. It's your basic staff development in terms of the administrator reviewing the policies of the district, of the state, and going over the procedures on how to intervene on truancy. Participant 4 provided the following statement:

Oh, we receive it (professional development) every year. I mean it's not like a full-blown training, but if there are changes, I know that the Assistant Director of Pupil Services has changed the parent letters and everything that has to be sent out from the campus, our parent conferences that we have to hold, the contracts that we have to have in place with the students and all that. So, I know every year, there's a follow-up.

Participant 5 was very clear in his discussion of the professional development he has received:

The administrative staff received the first training on the prevention measures during the summer of 2017, and we have continued to have training since the 2017-2018 school year. During one of the in-service events, I met with the District Attorney who oversees the truancy cases for my school. His input was invaluable in producing and processing accurate and appropriate documents, which helps in not preparing many unnecessary documents. Actually, there is a mention of truancy prevention at each of the professional development meetings. There are always updates and clarifications to the policy on school attendance. These updates and clarifications are good to receive because the District Attorney's office is particular about the documents submitted to the Court. Compliance is the key to a successful process.

Participant 6 described the process involved in his professional development:

Every year during our professional development for Assistant Principals, we all managed to have some type of professional development regarding truancy, truancy protocols, truancy prevention measures, and how to handle truancy to make sure we're on top of those measures. Yes, I've had quite a bit of professional development. I would say twice a year; one at the beginning of the year and they typically give some type of refresher.

Well, mostly from the district level, we did receive professional development when the Truancy Prevention Measures process started. We met with the county District Attorney who handles the court cases, as well as the district. At the time we called them the Drop-Out Prevention Specialist. At the time, it was Monica Woods and prior to that it was Minnie Dallas providing those trainings. I worked with the truancy officers on Truancy Prevention Measures, as far as how to give those trainings, how to fill out the paperwork, look at the contract. And it was extensive paperwork, I might add. Those assistant principals had a lot of paperwork. I might add we typically received some sort of refresher every year regarding truancy. They would give you an update regarding what's going on with the truancy officers, or a bit about the process. That's pretty much the training we received.

However, Participants 1 and 2 mentioned they had not received any professional development with Participant 1 responding, "I think it's been spoken about once this year, once this calendar year. That would be zero professional development on Truancy Prevention Measures, with the exception of loss of credit. Now that I have gone to two of those meetings all they do is discuss the difference between (1) at what point does a student loses credit; and (2) how long is that attendance contract good for? So on and so forth. But that's an after-the-fact measure; that's not truancy prevention in my opinion."

Participant 2 mentioned she had not received any professional development:

No, I have not. I believe when the law changed the former assistant principal received all of the training. (Participant 2 had been transferred to the campus mid-year). By the time I got involved, I did not receive training on the actual House Bill, but when changes were made (in duty assignments), I did my own homework. I have gone to loss of credit

meetings but that's a different thing. That has to do with my district's policy and when a student loses credit for a class, but to say that I've been to any kind of workshop or any type of professional development, for truancy, no. He (the principal) has told me what I can do about it beforehand. It's like they tell the parent liaison, and they'll tell counselors, but assistant principals are left out of the loop, at least in my experience. Now, if somebody else is receiving some of the information, say, one of the other three assistant principals, they are not sharing. So... I don't know.

Theme 1.4: Selection of Campus Truancy Administrator

All seven participants voiced an opinion on their selection of Campus Truancy Administrator, ranging from volunteerism to reluctance. Participants 1 and 3 mentioned a lack of administrative personnel to fill the position in their responses. Participant 1 stated he assumed the position, "by default because the assistant principal gets the job," while Participant 3 responded, "Well...I'm the only Assistant Principal on my campus, so we wear all the hats. So that's how I was chosen."

Participant 2 voiced reluctance in assuming responsibility for the position by relinquishing another, stating, "I actually got to trade attendance for Language Proficiency Assessment Committee (LPAC), so I traded one devil for another. And if there was any type of process like 'rock-paper-scissors' we would have done that, too!"

Participants 4 and 5 mentioned professionalism and past legal experience in their selection of Campus Truancy Coordinator, with Participant 4 stating, "I was selected because of how, how do I say this? I am very anal about truancy and working with the kids and making sure policy is followed." Participant 5 stated he applied for the job, "because of my legal background. In my previous career, I was a paralegal; therefore, I was very interested in the job."

Two other participants responded they were assigned the duty by their principal. Participant 7 laughs as he responded, “I was new to the campus, so the job went to me. Nobody else wanted to do it. It’s a lot of work and collaboration with staff, and you’re constantly under fire, dealing with angry parents and students who are not interested in attending school.”

Participant 6 described the process that initially enticed him:

When the principal looked at the duties and responsibilities, he approached me and said this might be something good. Our former Assistant Principal who was in charge of attendance, was no longer on campus and my principal did come to me and ask me “would you like to be in charge of attendance”? And I thought it would be something good. It seemed like it would be something straight-forward, so I did have some buy-in.

Theme 1.5: Time and Resources Expended on Truancy Process

All administrators expressed the lack of time and resources expended on truancy were not an effective means to ensuring truant students attended school. Participant 7 mentions the amount of time and work it takes to prepare Truancy Prevention Measure for one student:

Attendance and truancy are the jobs no AP really wants to get stuck with because it is so time consuming. As I stated before, it took up a lot of time from the counselor, attendance staff, and the AP. If you were lucky, you could ask the principal for help from a clerk, but that was only when you had a lot of files to prepare. But, compared to the new rules, it was a much better process. Knowing we could have the 18-year-old students fined also helped a lot. If the Court paperwork is not completed the way the District Attorney wants, that means the file gets thrown out, and you start over.

Participant 4 lamented on the workload, “There’s a lot more paperwork involved on our end, what is being done, sending out the letters within the ten days. Now the kids are absent

within 10 days, those letters have to be mailed. We have to keep up with that. We have to make sure that the kids don't relapse, and if we don't hit the 10 absent days mark, we start again. All the procedures have changed."

Participant 5 stated attendance and truancy go hand in hand.

Although, making sure that all documents are properly prepared, data is accurate, family information is current, and making sure that the law is followed can be tedious, but this work is conducted in the name of keeping the student in school. Working with the student, so he or she will ultimately be successful in the world, is the main goal.

It is wise to maintain a strong liaison with the District Attorney to make sure that legal documents/ pleadings are prepared in the accurate manner as required by the court. If the pleadings are not accurately prepared and submitted, the court will withdraw the motion and the school will have to begin the truancy procedure again.

Participant 6 responded to the question with the following commentary:

I just think the state doesn't consider the work expended and it needs to reevaluate the Truancy Prevention Measures. I personally don't think it's working for the majority (of students) such as your hard-core truancy student. There are no teeth in it (Truancy Prevention Measures). Those are the students who I believe will try the system up to the point that they see the system could come down to a monetary situation where they could be in a really bad situation with the police or with your local authority.

When the kid is in Special Assignment Class (SAC), or sent to the assistant principal's office, there is no incentive for some of those hard-core students to stop being truant. It's just constant follow-up with either a tracking sheet where you could see if they got teacher signatures, and it places a ton of work on the administrator. It's just very

difficult, and it's overwhelming. I'll say this: My colleagues said you could literally stay at school night and day and on weekends, and you'd never get everything done with attendance and truancy. You just can't do a good job. It's too big."

Theme 1.6: The 90% Rule

The 90% Rule is a truancy prevention measure which drives compulsory student attendance across the State of Texas. Students are required to be in attendance 90% of the time they are enrolled in a public school. Should they fall short of 90%, they become subjected to Truancy Prevention Measures (citation). Participants 5 and 7 reference the 90% rule as a foundational measure because the 90% rule is incorporated into the Truancy Prevention Measures, it is easier to implement. In any case, the rule is discussed at every meeting and opportunity with the students, parents, and during the truancy procedure.

Participant 7 noting, "The 90% attendance rule has been incorporated into the Truancy Prevention Measures. Most of the time it is discussed when we issue the 1st and 2nd Warning Letters, or when the student has to go to credit redemption and credit recovery programs because of their absences. It's pretty much morphed into Truancy Prevention and it means (students) have to come to school. Period."

Participant 1, while acknowledging the 90% rule has made a significant impact on his campus, he addressed the discrepancy in calculating the 90% attendance for fall and spring semesters:

So, we have our attendance meetings with students. For us at an accelerated campus, the (90%) rule does impact the students. We deal with a lot more students now based on an accelerated schedule that students have to complete credit hours on their own time to meet requirements of the 90% rule. It has led to discrepancy in the number of days per

semester. You can feasibly have 84 days in the first semester and 130 days in the second semester. The average kid's attendance is way-off, and it's not equitable for the student.

Participants 3 and 4 were somewhat optimistic when discussing the 90% rule, with Participant 3 stating; We are working towards increasing our attendance rate for our campus. We have struggled in the past couple of years maintaining a 95% attendance rate or above. However, it's about communicating with the parents, the student, and the teachers so that they can assist us with that 90% Rule implementation.”

Participant 4 mentioned the issue of implementing the 90% attendance rule in an alternative campus setting:

Being at an alternative campus, unfortunately, we see a lot of kids that are already behind in credits. When they come to us, their absences are excessive, but it also pushes the students. In high school once you start losing your credits, it's very hard to get back on track. So, this is a strong rule, but it forces them to be on campus. And it's something that we can all use like telling them 'You have really good grades; you're passing all of your classes. Are you going to lose your credits over attendance?' So that helps us out a lot. I know it can hurt them sometimes, but at least it gives us the opportunity that maybe when it's an illness or if there's an issue going on in the family, we can have an opportunity to have the (Campus) Attendance Committee sit down and write a contract with that student. So, I think it's brought positive outcomes more than negative.

Participant 6 was not at a loss for words when mentioning the impact of the 90% rule on his campus:

The process has just gotten bigger and bigger every year. Every year, we have more loss of credit due to the 90% rule. It's incredible. The kids are not afraid of court anymore.

Our court proceedings have allowed them to miss more school due to truancy. It's gotten a lot worse. I would say when I first got to Hillside High School, each assistant principal might have 25-30 loss of credit contracts. When I left the year before last, I had about 150 loss of credit contracts just for my counselor alone. Yeah, it's almost triple. Sure.

A loss of credit contract, due to the 90% Rule, is when a student is not face-to-face present in that class for a percentage of that semester. For example: we have a 87 days 1st semester. So, if the kid is not in class 8.7 days, we round up to 9 days in my district. If they miss more than that, that means they have loss of credit in the courts. And our district elected to go hour-per-hour for the loss of credit and that's 45 minutes to the hour. That was the district's decision on that. So, for every time a student misses an extra day after those nine days, they have to make up that hour.

The process at Hillside High School, my last campus, the counselor would pull that report after the semester was over and they would pull out and pinpoint those particular kids who had loss of credit. They would have to create a loss of credit contract and give it to the kid and a copy goes to the lab manager. They would have to complete the extra hour in the Edgeunity Lab (statewide loss of credit online program) on E2020. They could also make it up (time) in tutoring. A teacher had to sign-off on the contract either before or after school. We also did loss of credit on Saturdays, but the student was not allowed to make up time during the regular school day. But the contract can't match it, because now you're talking about the 9th grade, 10th grade, 11th grade, and grade 12th contracts. The counselors would literally have stacks about a foot and a half high of loss of credit contracts on their desks. That's for the last few years.

Theme 1.7: Loss of Credit

Five of seven administrators had significant views as to how loss of credit is caused by chronic absenteeism and truancy. Student chronic absences and truancy ultimately result in a loss of credit which is required for graduation from a public high school in the State of Texas. Students may not be fully aware of how absences and truancy may negatively affect their graduation from high school. Implementing Truancy Prevention Measures providing information to students in a timely manner are used to reduce this occurrence.

Participant 2 states that, “As an administrator, I know we would take kids to court, as an Assistant Principal, I was not in charge of attendance, but I did warn kids of losing credit. My understanding was that if they took a student to court, it was somewhat of a big deal in that they were looking at criminal charges being pressed on them. So, I know that it was frightening to tell a parent that they could be charged with a criminal offense for not coming to school and so can you and your child, but we didn’t see the process through since I was not in charge of attendance. I really didn’t understand the truancy process until it (Campus Truancy Administrator) was given to me during the 2016-2017 school year.”

Participant 1 was frustrated with how loss of credit is calculated, and with the time references provided to truancy administrators to take action through prescribed Truancy Prevention Measures. “At what point does a student lose credit, how long is that contract good for? 45 days? 90 days? By the time they are placed on a contract, they have already lost the credit. But that’s an after-the-fact measure; that’s not truancy prevention in my opinion.”

Participant 2 also perceived loss of credit as criminal activity committed by students and supported by parents.

I perceived it very much as criminal activity. You know, not coming to school was a crime and parents had the obligations to send their students to school. If they did not, they were just as guilty if not more as the student or child because it's ultimately the parent's responsibility to make sure their child attends school. And, so I was always under the guise, even as a teacher, you send a kid that was constantly truant to your class, it had dire consequences and I always felt that all you had to say was, 'Court.' It was the magic word and kids would back-off or start going, or parents would start complying and that was my perception of the way truancy court worked.

Participant 5 brought up the 10-day absence rule:

Students are more aware of the 10-day absence rule, parents' communication with the school has increased, and administrators can align their agendas to the various deadlines that need to be met. It has taken some time for the message to imprint, but as time forges on and examples are made, student, parents, and administrators will adapt to the strict timelines of the law. The students who believe that they have learned how to play the game regarding avoiding fines and not have any accountability, this is really not true. In the end, students lose course credit. Although these students are not liable, their parents definitely.

Participant 6 commented: "When the student has accumulated 10 or more absences, the student will be ordered to appear in Court. The judge's decision does not impact the loss of credit for a class because once the 10 absences are accrued, the student will have to do credit recovery or credit redemption to get back the lost credit for a class."

Participant 7 stated: "We must follow the rules and sometimes it means the student will have more than 10 absences by the time they go to court. This means, regardless of what the

Judge decides, the student has already lost credit in the class. Now they have to do credit recovery or credit redemption, which means they have to spend additional time at school when they didn't want to be here in the first place.”

Research Question 2

How have Campus Truancy Administrators in Far West Texas interpreted and enforced Truancy Prevention Measures with respect to individual campus culture?

Theme 2.1: Effective Truancy Prevention Measures

All participants responded to the use of effective truancy measures on their campus. According to research participants, effective truancy measures are those when implemented, brought students into compliance with HB2398 and had a positive impact on reducing truancy culture on campus.

Participant 1 states daily calls made by attendance staff on students who are absent, who are in danger of losing credit, and who must be assigned a specific number of credit redemption hours is very effective. Students are then made aware of the chances of not graduating.

Participant 4 mentioned changes in how truancy protocols and the truancy measures have changed:

I feel that maybe it was a little bit stricter back then, Now I've seen a change, the times that I've gone to court. We have a lot of programs that are involved. You know? The kids get placed through a lot of programs. Now we have counselors that are involved, agencies that are willing to help the parents and the students, so I think now we have a reason for kids to come to school. We have to look at all of that. I like that there's different avenues and options students can access to fix their attendance, and if they need counseling, it's already set for them. I think that's a positive step.

We used a lot of home visits. We used Communities in Schools (CIS), phone calls from attendance clerks, conferences with parents, bringing-in the parents, bringing-in the students, and then sending like our own warning letters before we got the one generated by the district. We were just sending our campus warning letter and doing anything possible, anything we could think of. Sometimes, even when you think of when we would have programs like rewarding the students when they had perfect attendance. I know we are an alternative program, but we rewarded those kids who don't even attend school on their own campus.

Participant 3 mentioned the campus association with their CIS Coordinators as their effective Truancy Prevention Measure. "I would say our close relationship with our CIS Coordinators and documenting what we call our welfare checks. Once a student gets on our list for welfare checks, that's when our CIS will take the afternoon, depending on when the student is missing whether its morning or afternoon classes, but they will visit their classrooms. They won't disrupt the class. They would just peek-in. Just to make sure the student is there. Then we call the parents right away. But these are students that have shown excessive patterns of truancy, and this is on a weekly basis. We do the welfare checks."

Participant 4: "With us being able to work one-on-one with the truancy officer, because they do the initial visit, they bring back information if the student is not living there and then we can do those follow-up visits. I really believe that, as administrators we do those follow-up visits, hold those meetings with the parents even if it means having to take your paperwork and going to the house. But having that available, I think that has been very successful for us, especially when we are dealing with at-risk students."

Participant 5 voiced his support for appearing before a Justice-of-the-Peace as the most effective measure:

I believe the court appearance is the most effective measure. For most parents and students, the reality of the law is only a vision, until the student and parents are before the judge. At this point, the law definitely becomes their reality and even more so when the Judge renders judgement. The fine can really hurt family income, especially when the family is of low socio-economic status. The ideal situation is not to get to court. It is always best when a good rapport is established with the students and parents and the situation of absences is avoided.” In addition to supporting court appearances for both student and parent, Participant 5 acknowledged other measures used on his campus and added his support of the measures available to students.

We used monitoring and review techniques. The procedures and process on my campus are as follows: The monitoring of absences is a daily task by the office staff. After a student’s third absence, a warning letter is sent to the parents. A student has three days to correct an absence. During this time the attendance clerk is in constant communication with student’s guardian regarding any documentation that the parent or guardian might have to excuse the absences. Any documentation is great for decreasing the absences. If the student does not correct any absences, then a second warning letter is sent to the parent.

Parents are asked to have a conference with the assistant principal to discuss the situation. At the meeting, the parents are presented with a warning letter. The letter is explained to the parents and (they) are given a copy for their records. If the child’s

records show that there are more than five unexcused absences, the next step is to notify the parents of the issue and that the student and parents will be summoned to Court.

The parents and student will be informed that there is a possibility that the Justice of the Peace in truancy court will fine the parents for the student's absence. The fine under the law can range up to \$592.00. After the Court appearance, the students' attendance will be monitored. The student is referred to the school's counselor in extreme cases when the student is assigned to after school detention to make up an absence.

In the extreme cases where the student fails to adhere to a court ruling for *failure-to-attend-school*, the student is rescheduled for docket with the Justice of the Peace Court. At this hearing, the school would request the Court to send the student to a social services program. Such programs that the judge would refer students to are Border Patrol programs, Victory Warrior programs, behavior improvement plan, or other in-school or out-of-school service programs that address truant behavior. Given the situation, if the judge determines that the student has been or is under the influence of a controlled substance or alcohol, the judge may require the student to be drug tested. The findings of the drug test will determine the judge's decision to have the student reappear in court.

Participant 6: "Again, I think when you can actually get the parents to come in, I use a number of techniques. Of course, I try to put the kid directly into ISS (In School Suspension). I try to have a tracking log of all their classes where I have a kid sign and each night the parent had to sign-off. Ninety-five percent of those students, if the parent would support me, and the kid had to show the log to the parent, they would stop the truancy issues. They would go to class. That was pretty significant. That was probably my most successful truancy prevention tool."

Participant 7: “I believe taking parents and students to court and having them appear before a judge was the most effective Truancy Prevention Measure. Taking the parents to court and having the parents know exactly what their child is doing when summoned by the Judge. Unfortunately, this is the one thing that turns the process around. If we have established a good rapport with the student and parent prior to appearing in court, of course, this step is not necessary.”

Participant 2 sarcastically commented without hesitation “None of the truancy prevention measures worked!”

Theme 2.2: Ineffective Truancy Prevention Measures

All administrators identified those Truancy Prevention Measures that were ineffective on their campuses. The responses ranged from incentives (Participant 1), to documentation of attendance and court paperwork (Participants 2 and 4). Participant 6 alluded to assigning students to in-school suspension (ISS), while Participants 5 mentioned not being able to file against a student. Participant 7 was not in favor of calling parents. Participant 2, however, stated the 45-day plan and meeting with parents and students are equally less effective.

Participant 1 discussed the incentives that students are given if they attend school.

I think that generally the incentives we are trying just are not generally providing the response that we are liking. So, we give free dress passes as an incentive or Dojo points and that’s not really giving us a big bump. “Dojo points” is a positive behavior point system that teachers and administrators can give to students. It’s like a point can be converted to them getting a bag of chips or Gatorade, something like that it’s kind of a reward system for student’s participation, in school academics, behavior, and attendance.

Participant 2 mentioned the 45-day plan: “There isn’t one. The 45-day plan, talking with the child, meeting with the parent: they are only 25% effective at best.”

Participant 3 discussed the overwhelming amount of work and documentation involved in the truancy process: I would say completing the documentation and keeping up with the number of students who are missing school. We will never keep up, but we try.

Participant 4 talked about the letters that are sent to the parents as part of the truancy process:

Unfortunately, the letters are. I really appreciate that we have that documentation available, but unfortunately, sometimes they don’t get the letters. Or they get them, and they don’t open them, I don’t know if we’re sending the letters. It’s our responsibility to do that, but I don’t know if they are even opening them. The population that we deal with moves a lot and they go from apartment complex to apartment complex and sometimes we get all of these letters that have been returned, I don’t know how we would work it a little bit differently. I know that they are registered letters but if you can’t find the person some time, they’re not going to sign for it. Work and tweak that a little bit to make it more efficient.

Participant 5 mentions the inability to file on 18-yr-old students: The least effective measure on my campus has been not being able to file on 18-year-old students. The notification is sent to the parent’s home address and just to make sure the parents receive the notification, this campus also sends the truant officer, who verbally notifies the parent of the absences. On rare occasions and after three failed attempts to communicate with the parents, they will be notified via U.S. mail at the parents’ work address.

Participant 6 discussed that the intervention method of in-school-suspension may not be the best approach with these students:

Well, I think for me placing them in in-school suspension (ISS). I mean these are kids who don't already want to be at school, and they already have multiple unexcused absences. I know the conversation would be like this, 'Sir, I haven't been to school in four days and now the first thing you're going to do is place me in SAC?' That would discourage them from coming to school even more. I found, and again, this is just my opinion, you just got more out of them by giving them the carrot and letting them do a tracking sheet with their parents. I need you back in class, you can track your own attendance, and from here, and then if they still choose not to go to school. Me personally, I've never suspended a kid who was truant, because that's what they wanted. They'd much rather be home.

Participant 7 laments about the time needed to call parents:

The least effective Truancy Prevention Measure used on my campus is calling parents. It's time consuming and we have parents who don't answer phone calls, have disconnected phone numbers, or have provided wrong numbers. And, I'd have to add not being able to file on 18-year-old students unless they are in extreme danger of losing credit for the semester. The students know how to play the game, and they tell their parents what they want to hear: "I was late, and they counted me absent. I turned in my doctor's note the next day." They are using the system to their advantage.

Theme 2.3: Policy Impact on Campus

Six of the seven administrators' perceptions on HB2398's impact on campus varied dependent upon the administrator and their campus procedures. There were administrators who

implemented the policy as written, one who viewed the policy through a compliance lens, and one who believed students were becoming increasingly aware of how to manipulate compliance with the law in their favor.

Participant 1 noted: “It’s just a continuation that we are cognizant of attendance and that we need to enforce the law to have students attend school,” while Participant 2 stated the law has essentially created a loophole that students can use to circumvent the truancy process.

Consistent with her previous answers regarding policy compliance, Participant 4 responded, “On my campus, I follow the policy to the teeth. However, sometimes we get backlogged with the number of students and keeping track of the truancy numbers especially as they start accumulating on a weekly basis. But other than that, it’s just about documentation and trying to stay on top of every student.”

Participant 5 also noted how “HB 2398 impacted his campus:

Through the education of administrators, parents, and students, the law has been made clear to all concerned. Students are more aware of the 10-day absence rule, parent communication with the school has increased, and administrators can align their agendas to the various deadlines that need to be met. It has taken some time for the message to imprint, but as time forges on and examples are made, students, parents, and administrators will adapt to the strict timelines of the law. The students who believe they have learned how to play the game regarding avoiding fines and not having any accountability, are finding this is not true. In the end, students lose course credit.

Although these students are not legally liable in court, their parents are. Parents are never happy when fined.

Participant 6 was very precise divulging campus attendance percentages on how the new policy has impacted his campus:

I can tell you exactly how it has been impacted. I want to say the last year before the change took place in 2014, Hillside High School was just about at 94.9% attendance, which was going to be an all-time high for that particular campus. The assistant principal who was in charge for those previous years, I have to credit that person, because Hillside High School was a really bad attendance campus. And with a combination of working hard, the court, and hauling kids in, and having a great process, she got (it) to a 94.9. Last year, I won't even go (into the statistics) for a COVID year. The previous year, which was 2018-2019 if I'm correct, Hillside High School was at 93.1% attendance. There are some raw numbers: 94.9% to 93.1%. Believe me, that is a humongous drop in attendance. We are always shooting for over 95%. As you can see, this law has had a huge impact on not only Hillside High School, but on every single campus in the district. The district attendance rate has even gone down because the students have seen that it's much more difficult for a court case to actually go to court, and when they do get to court, a lot of judges don't have much to do with it. Their hands are tied with what they can truly do.

Participant 7 commented on how implementing Truancy Prevention Measures has impacted his campus and differed from other administrators. While he mentioned attempts to decrease *loss-of-credit*, he also mentioned loss of privileges students had grown accustomed to receiving, such as requesting administrator's signature on a Verification of Enrollment (VOE) form. Students who are chronically absent or truant and who are not passing their classes may not petition for a VOE. This form is necessary for students to obtain a driver's license permit.

Theme 2.4: Role of Communities in Schools (CIS)

As public schools take on additional duties and responsibilities in a concerted effort to assist students with school completion, some school districts have contracted with agencies such as Communities in Schools (CIS), which provides counseling, parenting, and socio-emotional support to students and their families. Five of seven participants provided responses, while participants with no CIS Liaisons or Coordinators did not respond.

Participants 3 and 6 mentioned how CIS provided services to their students. Participant 3 stated, “A lot of home visits were scheduled. CIS made phone calls with attendance clerks, held conferences with parents, brought-in the parents and the students, and just doing anything possible. Yes, anything we could think of. Sometimes, even when you think of when we would have programs, we would reward the students when they had perfect attendance. I know we are an alternative program, but we reward those kids who don’t even attend school on their own campus.

Perhaps the most insightful view of truancy prevention services rendered to a campus was provided by Participant 6. In his answer, he detailed how significant a role CIS played:

CIS is always involved. In fact, CIS is one of the first interventions we would do on our campus. The CIS would meet with the attendance clerk (Level I) and had the first steps in seeing what was going on with the student. They would ask if there was an issue preventing them from getting to school or if there was another type of issue that needed attention. In addition, they would make parent phone calls. For Level II and III students, I would carve out a part of my day to meet with the students. We would even do that sometime before we had the parents come to campus. Level III was the last batch. On the contract that the district developed, this contract was created, and you had to fill out some

demographics. Level I was used for 0-3 unexcused absences. Level II was for 3-5 absences, and then I believe it went to 5-8 absences and 8-more on the last step. Don't quote me exactly. It was a level system.

Another thing at the high school, it was possible to accrue 8 absences in one day because it was an eight-period day. If a student is unexcused or the parent gets the call on one period, it would still come out on your absence report and it would become troublesome. Because now you're calling a student down to your office who may not truly be in trouble truancy-wise or *loss-of-credit-wise*, but they still come out on your report. So that was another headache we experienced. CIS helped us with that. CIS conducted welfare checks and residency checks. They are very successful on my prior campus, even when the truancy officer couldn't get through. For some reason, the parents I guess, are a little more afraid of the truancy officer, because they know they will have to go to court or get in trouble. CIS, they see them as more of a helping hand. I felt much more of a helping hand with CIS in getting students back into school.

Participant 5 believe this campus would benefit by having the role of CIS expanded to include tracking absent students and if possible have them collaborate with truant officers. Much like Participants 1 and 2, Participant 7 mentioned his campus did not have Communities in Schools on his campus. "We've had no CIS persons on campus since I've over-seen attendance and truancy."

Theme 2.5: Parental Concerns

House Bill 2398 includes parental involvement as a component of Truancy Prevention Measures which must be implemented on campuses. There is leeway with regards to campus

climate and culture as to how this is to be done. The responses from Campus Truancy Administrators varied dependent upon degree of commitment to the process.

Participant 1 expressed the minimum amount of truancy prevention intervention expended on his campus: “They come in for conferences. That’s all we can do on my campus. If they don’t show up, we take them and their student to court.”

In contrast, Participant 6 began implementing the truancy court process immediately. “The first step was to call the parent and sometimes we’re successful and sometimes we’re not. It would depend on the kid and the situation. At the second level, we’d make parental contact. Some parents would come in and we’d visit with them. But just before the step where you’d have to go to court, those parents would always come in and try to see what the situation was and try to keep themselves from going into court. 1st level, contact the kid, 2nd level CIS contact the parent and the kid by phone contact, or in person and that was the best.”

Participants 2,3, and 4, also expressed more pro-active approaches.” Participant 2: “We hold liaison meetings with parents. Educational setting and volunteering now have become Communities in Schools. They go so far as presenting a list of agencies who offer support to parents. My campus has no connection with support agencies.”

Participant 3: explained how they look for changes in behaviors of chronically absent or truant students:

Whenever we start seeing a pattern with the student we always, well, I schedule conferences with the parents, and I bring my CIS coordinators and sometimes I’ll bring in the counselors as well and we meet as a team to see how we can intervene with the student. Most of the time one side brings in the student and let them know we’re ‘gonna be tracking you.’ This is how we track you and we’re ‘gonna be checking on you on a

regular basis.” Usually that tends to deter the behavior. It doesn’t eliminate it completely, but it does improve their attendance a little bit.

The other way is calling the parent and keeping them informed. Even though they sometimes get tired of hearing from me or the CIS Coordinators, it’s just that constant communication of letting them know your child is not in school again. ‘Is he with you? If not, do you know where he might be? If you can call and get them to come back to campus?’ That way we can work with them. But it’s just those constant communications.

Participant 4 instituted mandatory parent meets at which parents are informed of truancy issues and provided with information and resources to encourage their student to attend school.

For us, it’s been really good and it’s hard and it’s something that we work on every year because our parents are required to attend parental meetings. It’s part of the placement for their student, and one of the things that we discuss in those parent meetings is attendance and how it affects some of them. They’ve been going all these years and dealing with attendance issues. They really don’t know the law. Having the parents involved, I think it is a major part of your student’s education. I really think it’s a plus.

While allowing for interventions to improve student attendance, Participant 5 also acknowledged dealing with parents can be difficult, especially when the parent may not have knowledge of the educational or legal system in Texas:

Parental involvement is always incorporated into a student’s educational life and more so when it pertains to absences. Although students are always tracked by the counselor, the CIS clerk contacts the parents to help them with any services they may need.

There will always be situations with parents that will be problematic, mainly because the parents fail to accept that the student is still a child and it is their

responsibility. They realize that in fact, they are subject to any failure the student accumulates during the school year, such as absences the student may have, even though the student is 18 years old, and legally considered an adult.

This situation is even more increased when the parents are undocumented. Unfortunately, these parents are still responsible for their child. This law does not excuse a parent because of immigration status. If parents do not attend the court hearing, the only option is to reschedule them for a later court date.

Participant 7 alluded to the anger he experienced when working with parents of chronically absent students:

Parents are angry because students now have to stay in school until they are 19 years old. There are a lot of families who need the student to work full-time to help with household expenses. Now they have to stay in school and cannot drop out, even though they are 18 years old. The parents feel they are being punished for something they did not do because they have to take off time from work and maybe have to pay a \$100.00 fine and court costs.

The Bill was passed just as we were about to start the new school year, 2015-16. There was a lot of scrambling by the District and Region 19 to get the information out to the campuses. The new process is so complicated, especially with the new Truancy Prevention Measures. Placing the student on a contract. Issuing court warnings. Holding parent/student meetings. Counselor meetings. Meetings with the RtI committee. If the student is in Special Education, having to schedule an ARD because now you're dealing with a change in that student's placement. There are so many rules that we must follow,

and they are coming from TEA, so that means they are mandatory. If you customize the rules to meet your particular campus, then that means even more work.

The biggest change for me was the news that we couldn't file on 18-year-olds. Well, we could in extreme cases, but there was no fine assessed to them, so basically, we lost a lot of our power and clout. We have to file against parents. That makes them angry with us; now we are the bad guys, taking away credit from their kids and taking money out of their pockets.

Participant 7 mentioned the value of parent meetings and of his campus' efforts at including them in the informational process. Although his campus did not have outside agencies on the premises, he advocates for the faculty to be an active part of the prevention process and for parents to have a true understanding of how truancy will affect their student:

Parents received a Court Warning Letter on their child's third unexcused absence.

Students have three days to correct an absence. The attendance office would call the parents of students who were reported as unresolved for any class period and ask them if they had notes or other documents that would excuse their absences. If the student had remaining absence, what we usually did was have the attendance clerk count the number of absences the student had accrued to that point and send a second Court Warning letter to the parent. They either had to phone the school to make an appointment to meet with me or the other Assistant Principal in charge of attendance, and come to campus to sign the letter. If there were more than five unexcused absences remaining on their child's attendance record, we let the parent know that if the absences continued, we would have to take both the parent and the student to court, we let them know beforehand that they

faced the possibility of being fined up to \$592.00 by the Justice of the Peace in truancy court.

If, after the student appeared in court and was found guilty, we would continue to monitor the student's attendance. In extreme cases, we referred the student to the counselors' office, had the student assigned to after school detention to make up the absence, and in worst cases, the student was sent back to court for *failure-to-attend* school. When we worked with the Justice-of-the-Peace, we would request that the student be sent to social services programs. When we have the parents attend one of our meetings, we include the Counselor because they may be able to refer the student for additional services. We don't have Communities in Schools (CIS) on my campus, but we may have them next semester.

Theme 2.6: Student Consequences

Three out of seven administrators perceived students to receive consequences for truant behaviors. There was agreement that students may realize their truant behavior resulted in loss of credit which has put them in jeopardy of not graduating from high school (Participants 3 and 6) with Participant 5 firmly in the belief students received positive consequences by having to appear before a judge. He felt that by going to court the students would be set on a straight and narrow path and change their behavior. Participant 6, while having assigned consequences to truant students, felt they were not of significance in the student's present existence.

Participant 3 mentioned that "In high school, once you start losing your credits, it's very hard to get back on track. So, this is a strong rule (90% Rule) and it forces students to be on campus. "We owe students the information and it gives us the opportunity to have the attendance committee sit down and create a contract."

Participant 5 responded to the question as follows:

I sincerely believe that the legislature is trying to help students receive the highest quality of education by enacting HB2398. I am also glad to see that the county has the best interest of the students in mind, I believe that the court does not only impact student behavior, but it makes a difference in their lives. Judges are very stern in the decisions they make and not many are willing to put up with irresponsibility from students (and especially parents).

Participant 6 mentioned students don't feel the consequences of truancy, as they would rather be placed in in-school suspension or out-of-school suspension. They are not afraid to go to court because they know there are no longer any consequences other than having to complete credit recovery classes and sign a 45-day principal's contract. By that time they are so far behind, they choose to either drop out (if they are 19 years old or older) or attend a credit recovery program.

Research Question 3

What are Campus Truancy Administrators perceptions of the effectiveness of the County Truancy Plan?

Theme 3.1: Knowledge of the *County Truancy Prevention Plan*

While all participants answered the question referring to knowledge of the plan, four of the seven participants alluded to having knowledge of the *County Truancy Prevention Plan*. There was some confusion as to what the official name of the plan is, and although some of the participants stated they were not familiar with the plan, they understood Truancy Prevention Measures, were included in the plan. As in other areas of truancy prevention, the level and

degree of knowledge depended upon the administrator, their interpretation of the position of Campus Truancy Administrator, and their level of experience with implementing HB2398.

Participants 1, 3, and 7 mentioned they were not familiar with the plan. Participant 1 said “No, I’m not familiar. I don’t know about the *County Truancy Prevention Plan*. I don’t know if that is something different from my district’s plan.”

Participant 3 responded: “I must say I am not. But I’m thinking that’s what we follow here in the district. In meetings, I know that we have a central meeting with the court system meeting about any truancy laws that have changed, taking our kids to court. Having an Assistant Principal oversee that, and you know, just keeping track of the student’s attendance and them attending school.”

While Participant 7 could not recognize the plan by name, he understood the guiding principles associated with it. “No, I’m not familiar with it by that particular name. However, I know we are to follow guidelines in the House Bill, but those are broken down by the District as to what they want to see provided to the student. I don’t remember anyone ever discussing the *County Truancy Plan*.”

Participant 2 stated “I am. The *County Truancy Plan* has been most successful at getting a case heard in court, but only if your documentation is pristine.”

Participants 4, 5, and 6 voiced familiarities with the plan. Participant 4: “I’ve seen it. Yes, I’ve seen the *County Truancy Plan*. What the county did is they met with the judges, and district attorneys, school districts, county officials, district superintendents, and other school officials and turned that particular plan into what we do, what actions we are to undertake.” While Participant 6 said, “I am familiar with the *County Truancy Plan*. We have incorporated parental involvement into our measures.”

Participant 5 stated:

I have read the plan and find that HB2398, with the distinctiveness that it is adaptable to each campus' individuality. It allows each district to mold the law into the campus culture. The district's plan must indicate that a plan to track notifications to parents and the language preferred, the steps taken when the district becomes aware of absences and parental notifications. The *Plan* should explain the method used to manage documents to students, parents, and court. The *Plan* should explain the procedures to take place during the student and parent conferences, what documents will be presented to students and parents at any meeting, how often, and maintain a roster of all failures and successes of the program. I feel that the *County Truancy Prevention Plan* has been successful so far because the school and those in charge of the program make sure that the *Plan's* rules are followed, and the deadlines are adhered to.

Theme 3.2: Interaction with Court Officials

Since the passage of HB2398, 5 of the 7 administrators reported limited interaction with court officials due to limits placed on them through the *County Truancy Plan* and local educational agencies. Two participants had no response. However, some of the administrators have students who qualify for Truancy Prevention Measures which include court warnings, summons, and appearance in court before a Justice of the Peace.

Participants 3 and 4 had no response to this question. Participants 1, 2, (no interaction) 5, and 6 voice limited interaction with court personnel, the court clerk, or either the District Attorney or Judge. Their individual responses are offered below.

Participant 1: "The only thing I can speak about is how I interact with the lawyer (District Attorney), when I go to truancy court so that interaction has always pretty much been what I've

known throughout my career in terms of taking students to truancy court. I interact with the District Attorney, but not so much now.”

Participant 2 noted “I don’t interact with them. I don’t feel they have any bearing on the cases.”

Participant 5: “I connect with other Assistant Principals at Court. As we wait our turn to present our cases, we have a chance to perhaps discuss methods or situations that might help one another. Other than that, my main interaction is largely with the Assistant District Attorney and on court days, the County Clerk or Baliff.”

Participant 6 did not interact often with court personnel:

I don’t have a lot of interaction with court personnel. That’s more of a clerical process. Once we sign-off on the paperwork the County Attorney has to accept the case and they would work with our clerks. One of the former District Attorneys would tell us if we needed more Truancy Prevention Measures at that time. I’ve been in charge of attendance for about three years now. The current DA is stricter with the paperwork I’ll just say it. It’s much more difficult to get a kid into court. As a matter of fact, blatantly, the Justice of the Peace for my campus tells me they just don’t mess with truancy cases any more, because there’s no teeth behind the law, so basically my hands are tied.

Participant 7 mentioned limited interaction with the court:

Since we implemented Truancy Prevention Measures, we’ve not had any kids go to court. (Laughs). I see the other APs in the Court and we sit there and sometimes we compare files, but for the most part, everyone is there for maybe 30 minutes and they go back to campus. We don’t really have an opportunity to interact with each other. The only contact I have had with the court officers is to sign-in with the Court Clerk, be sworn-in by the Bailiff, and let the Assistant District Attorney know the academic progress of the students

I have appearing before the judge. Now, when we were appearing before the judge via Zoom, the atmosphere is tense as everyone wants to be done as quickly as possible. Court sessions are really backed-up and it takes a very long time for the judge to meticulously go through the process.

Theme 3.3: Inability to Refer Students to Truancy Court

All participants mentioned the most frustrating part of implementing HB2398 was the inability to refer students to truancy court. Answers ranged from frustration to resolution with campuses implementing Truancy Prevention Measures to provide assistance to students.

Participant 1: “My personal thoughts are that the intervention with the court is only as effective as the judge who’s hearing the case and really doing the follow-up. In my experience, I’ve seen judges that have been very stern, and parents and students have generally paid more attention to someone who will say, ‘We’ll see you again when you come back to court.’ But now it’s almost impossible to have a student qualify to go to court.”

Participant 2: “Due to the Truancy Prevention Measures, we’ve backed ourselves into a corner. I just wish truancy prevention measures worked.”

Participant 3: “We used to take students to court to get them help with their attendance, and now it’s very hard to do to.”

Participant 4: “We just don’t send them. The paperwork is overwhelming, and we try to handle Truancy Prevention Measures on our campus. Especially loss of credit.”

Participant 5: “I believe that the Court appearance is the most effective measure. For most parents and students, the reality of the law is only a vision, until the student and parents appear before the Judge.”

Participant 6: “The law really has no teeth, and the paperwork is overwhelming. We’re going to see attendance become worse.”

Participant 7: “It’s frustrating not being able to send truant students to court. The paperwork is always the problem.”

Summary

Chapter 4 included the findings from the interviews with the seven participants. The chapter included a description of the participants with demographic information. The chapter then continued with each research question including the themes that emerged from the interviews. For Research Question 1, the following themes emerged: Understanding the truancy process prior to 2015 and afterwards; Understanding of House Bill 2398; Professional Development; Selection of Campus Truancy Administrator; Time and resources expended on truancy process; 90% Rule; and Loss of credit. For Research Question 2, the following themes emerged: Effective and ineffective Truancy Prevention Measures; Policy impact on campus; Role of Communities in Schools; Parenting concerns; and student consequences. Finally, for Research Question 3, the following themes emerged: Knowledge of the *County Truancy Plan*; Interaction with court officials; and Inability to refer students to Truancy Court.

Chapter V

Summary of the Study, Findings, & Conclusions

Introduction

This study focused on Campus Truancy Administrators' perceptions of Truancy Prevention Measures mandated by the state of Texas in 2015. The purpose of House Bill 2398 was to decriminalize the status offense of truant behaviors committed by secondary students by remanding responsibility of the process to local educational agencies, independent school districts, and charter schools throughout the state. HB2398 was rooted in compliance with the 90% Rule which stipulates students must be in attendance 90 percent of the time they are enrolled in school. In order to ensure compliance with the rule, the state legislature mandated each county establish a commission led by the County Assistant District Attorney and comprised of Superintendents of Schools in each county. Members of the commission served as the gatekeepers of the *County Truancy Prevention Plan* which served as a guide and ensured the legislative-mandated Truancy Prevention Measures would be administered on secondary campuses throughout the county.

Through progressive lobbying efforts led by entities such as Appleseed, which worked to decriminalize student truancy and change the prosecution of the status offense from criminal to family court, HB2398 became known as the "anti-truancy bill." House Bill 2398 (2015) decriminalized truancy in the state of Texas by requiring school administrators to actively implement Truancy Prevention Measures on campuses in a concerted effort aimed at "minimizing the need for referrals to truancy court for conduct described by Section 65.003 (a) Texas Family Code" (TEA, 2015), and to provide interventions prior to issuance of a referral to a truancy court by adopting Truancy Prevention Measures designed to "address student conduct

related to truancy in the school setting before the student engages in conduct described by Section 65.003 (a) Texas Family Code” (Texas Association of School Boards [TASB], 2015; Wood, 2015). As specified in guidelines issued by the Texas Legislature (2015), Campus Truancy Administrators were to begin implementation of Truancy Prevention Measures effective September 1, 2015 but were also allowed to customize measures that incorporated campus environment and culture and were aligned with a *County Truancy Prevention Plan* adopted in accordance with the Texas Education Code §25.0916 Uniform Truancy Policies in Certain Counties (TEA, 2015).

Summary of Findings

Administrators were closely aligned in their perceptions on the implementation of Truancy Prevention Measures in Far West Texas with some indicating different levels of understanding of the changes in policy, different levels of commitment to implementing the truancy prevention process, and the overall effectiveness of the Truancy Prevention Measures. Based upon interviews with seven Campus Truancy Administrators who implemented Truancy Prevention Measures on secondary campuses, the consensus held that the intention of the Texas Legislature to decriminalize truancy and remand responsibility for student attendance to the campus was the correct thing to do. However, administrators responsible for the process on their campus expressed frustration with the process outlined by the state legislature, the *County Truancy Prevention Plan*, and the individual campuses. All administrators expressed frustration with the level of support stemming from the District Attorney’s office, the increased workload for campus staff and administrators, and the lack of parental support and engagement.

In theory, according to research participants, HB2398 Truancy Decriminalization Legislation and the subsequent *County Truancy Prevention Plan* appeared to consist of a

transparent and slimmed-down processes that administrators must replicate. In fact, according to the Texas Family Code §25.0915, each school district or charter school's Truancy Prevention Plan is unique to its setting, but should contain three elements found in every plan. The plan should include the following: a) knowledge of students on their campuses; b) notification of parents in writing at the beginning of the school year about laws regarding truancy; and c) compliance with Texas Education Code §25.095 which requires the school to send a Notice of Unexcused Absence to parents upon accumulation of three unexcused absences (TEA, 2015).

Administrators perceived the plan as labor-intensive, involving excessive time for campus administrative and support personnel to implement, a significant change in the collaborative relationship with court personnel and officials, and increased levels of state and district accountability for administrators, counselors, and students.

The following is a summary of the responses for the three research guiding questions with an analysis following each emerging theme:

Research Question 1: Comparison of Previous and HB2398 Truancy Policies

What are the perceptions of Campus Truancy Administrators in Far West Texas regarding understanding truancy policy both prior to 2015 and afterward?

Themes

Seven themes emerged under Research Question 1. The themes included the following:

1. Understanding of truancy processes prior to 2015 and afterward;
2. Understanding of House Bill 2398;
3. Professional Development;
4. Selection of Campus Truancy Administrator;
5. Time and resources expended on Truancy Process;

6. 90% Rule
7. Loss of credit.

The following is a discussion of each theme:

Theme 1.1: - Understanding the truancy process prior to 2015 and afterward.

Campus Truancy Administrators perceived the previous truancy prevention protocols in effect before the passage of House Bill 2398 as more effective than the Truancy Prevention Measures mandated in 2015. This perception was overwhelmingly driven by the ability to take students who committed truant behaviors to court and have significant fines levied against them. It is important to understand that the truancy process went from a criminal procedure to a family procedure as a result of the passage of HB2398.

Prior to September 1, 2015, prosecution of truancy in the State of Texas occurred under two different processes in the judicial system: a) criminal court, or, b) juvenile court (State of Texas, Office of Court Administration, 2015). Students who failed to attend school found themselves prosecuted under the concept of "*failure-to-attend-school*." *Failure-to-attend-school* cases were prosecuted as criminal cases (Texas Education Code §Section 15.094), under the *Failure-to-Attend* clause (State of Texas, Office of Court Administration, 2015). In this instance, the offense of *failure-to-attend-school* is handled primarily by Texas Justice and Municipal Courts and sanctions apply to students between 12-18 years of age and resulted in the issuance of a Class C misdemeanor.

Participants in the study expressed different levels of understanding of the truancy process before and after 2015. Mostly, their years of experience and time spent working with truant students as an administrator determined their understanding of the differences in HB2398. It is interesting to see the differences in the participants' understanding of the truancy process

before and after 2015. Some of the participants (Participants 1, 5, and 6) had been an administrator prior to 2015 and had significant experience in working with the truancy process. Interestingly, Participant 5 was a former paralegal and was very attuned to the legal aspect of the task. Others, like Participant 2, were new to the administrative team and was learning as she took cases to court. She had to learn the process on her own accord as she had just been appointed Campus Truancy Administrator and had not received the formal training for the position.

Participants 1 and 7 expressed limited levels of knowledge and wished they had more background knowledge in understanding the old truancy process prior to 2015. They had assumed the position of Campus Truancy Administrator due to being newly assigned to the position and were not completely familiar with how in-depth the process was.

Participant 4 understands the old process, but now has a team (to include an AP, clerk, and truancy officer) to assist in the process. At her campus, they want students present and on campus and they conduct home visits to assure students make it to class. The campus also has a plan in place to work collegially as a team to keep the students in class.

Participant 2 stated that prior to 2015, with the old process, students were afraid to go to court. The old law had a sense of urgency.

Participant 5 said he had a thorough understanding of the old process. He was very involved in the process before the new change in 2015. His campus also had a team working on truancy. Participant 5 also stated that students understood how the system worked, and by choosing to be present on the tenth-consecutive day, the school would have to refile the complaint and begin the process from ground-zero.

As stated by Participant 5, “In the past, if a student had significant absences, they were dropped. The student was then coded as a “98” meaning they had been self-dropped or were

administratively dropped. Under the old truancy prevention protocols, students were allowed to drop out of school at the age of 18. Under HB2398, students must be enrolled in school until such time they either graduate with their cohort or drop out at age 19.

Campus Truancy Administrators reflected on the truancy protocols prior to 2015 with a heightened sense of nostalgia as they perceived them to be more effective than the current Truancy Prevention Measures. As an Assistant Principal and Campus Truancy Administrator for more than twenty years, it is understood the issues and concerns associated with having to implement new programs and campus initiatives and comply with new rules and regulations. It can be very frustrating. However, it is not in the best interest of the students, the campus, and the Campus Truancy Administrator to hold on to abandoned rules and regulations. Much like adhering to the former truancy prevention protocols, effectively implementing Truancy Prevention Measures is a time-consuming task. It is critical for the Truancy Administrator to embrace the changes and reconcile themselves to the new truancy process. The lack of commitment and reluctance to implementing the Truancy Prevention Measures can yield catastrophic results which may unconsciously hinder the student's ability to recoup credits and not graduate with their cohort.

Theme 1.2: Understanding of HB2398

Overall, the participants had varying levels of understanding HB2398. For the most part, their answers reflected a basic understanding of the truancy process before and after 2015. No one completely answered the question in depth and with reflection, except for Participant 5, who was a former paralegal. The participants had a more perfunctory approach to the responsibilities of the Campus Truancy Administrator. Many of them mention the other responsibilities they carry as assistant principals. It is important for them to have a basic understanding of the law

because they will have to implement it as one of the responsibilities of the Campus Truancy Officer. Many participants appeared to “clam up” during the interview process when asked this question. They sat and stared into space for a short time as they, in my opinion, constructed their answer. They did not want to be embarrassed or afraid of being “found out” that they did not know all aspects of the new truancy process.

Participants 1, 3, and 4 expressed they were competent to do the job but only wanted to spend enough time doing it and demonstrating compliance with the rules. Participant 2, while admittedly self-taught, had gained a significant understanding of the new truancy process. She expressed frustration with the process due to what she believed were loopholes in the law. For example, resetting the ten consecutive absences had to be entered into the official paperwork for the complaint to be forwarded to the court and thus placed on the judge’s docket. If a student recorded an additional absence after having been placed on the docket, the court may have perceived the additional absence as proof the Campus Truancy Administrator was not monitoring the student’s attendance. Regarding the “loophole,” Participant 2 mentioned in her response, there is evidence she may have a legitimate concern. When the attendance clerk or truant officer, assigned to submit the court paperwork, submits the file to the court, it is assumed the absences in question are locked in and cannot be changed.

This is not necessarily true, as individual campuses tend to accommodate parents’ requests to honor late submission of absence notes. It is then plausible that the ten consecutive days of absence are disrupted, and the paperwork is no longer valid. Absence excuses are typically collected no later than the third day a student was recorded absent. In order to avoid heated confrontations with parents and a complaint to the district central office, the attendance clerk will accept the late notes with permission from any campus administrator under the guise

of providing exceptional customer service. Submission and acceptance of a late absence excuse was honored, and the process had to be reset because there were no longer ten consecutive absences. Participant 5 (the former paralegal) once again was focused on the legal requirements of the position and believed the court process was better because students would have to appear before a judge and recognize the seriousness of their situation.

It was anticipated that participants would make comparisons with the old and new truancy laws. Having to abandon a “comfort zone” in an aspect of work is typically met with resistance. Campus Truancy Administrators are also assistant principals who wear multiple hats as they juggle multiple responsibilities on campus. While participants mentioned the amount of time they had to commit to this process, perhaps they should have acknowledged that the stakes were set much higher than when the anti-truancy protocols were in effect, and because the Texas legislature passed HB2398, a laser focus on how each campus was administering Truancy Prevention Measures should have been applied. Feigning an understanding of the law is not an acceptable excuse for improper implementation. At a minimum, Campus Truancy Administrators should have an understanding of the following: a) the rationale for the move from criminal court to family court; b) why Class C misdemeanor citations are no longer issued for truant behavior; c) why four exemptions to HB2398 exist; d) the importance of the Campus Attendance Committee; and e) how easily a child’s appearance in truancy court could be an introduction to the “School-to-Prison-Pipeline.”

Theme 1.3: Professional Development

Overall, the participants had little to no professional development provided by the school districts or the regional service centers. Unfortunately, Participant 1 had no training at all regarding the truancy process, and Participant 3 stated she had basic staff development.

Some of the participants (4, 5, 6, and 7) received professional development throughout the year. Their districts offered an annual in-service during the summer and then had other training throughout the year.

While almost every participant received some form of professional development, some participants were not happy with the in-service received. Participant 2 stated that she had not received professional development but had taught herself what was required to be an effective Campus Truancy Administrator. She believed most of the training focused on pushing paper and loss of credit, not necessarily truancy. She mentioned the “former Assistant Principal (who was no longer at the campus) received all the training.” She came in mid-year and had to learn the process for truancy and loss of credit through her own research. She mentioned that the “Assistant Principals are left out of the loop, and many of them do not share their resources.” Participants 5, 6, and 7 expressed they primarily received in-services during the summer and had to take time away from campus to receive state updates, some of which negated the information they were currently using.

Participants 5 and 6 met with the County District Attorney, and stated the interaction with them was productive but were not able to spend a significant amount of time with them discussing changes in the rules and what Truancy Prevention Measures would best work on their campuses.

Participant 6 mentioned that at his campus, the truancy records/folders are stacked two feet high with no one to address them in a timely manner. This lack of knowledge would leave the campus vulnerable to legal action and the possibility of a TEA and Office of Civil Rights investigation.

In order for any district initiative or state-mandated program to be effectively implemented on campus, the personnel directly associated with its implementation must be trained. Professional development is critical in this position. Not having received the proper professional development could result in students not graduating due to loss of credit, or a student being retained in the same or not promoted to the next grade are some of the unintended consequences for which an untrained Campus Truancy Administrator may be held responsible. The stakes are even higher when the Campus Truancy Administrator does not have a working or in-depth understanding of Special Education (SPED) law. Errors in attendance for SPED students may result in a change of placement which, if not corrected, may lead to an Office of Civil Rights complaint filed by the parents against the district. Pleading ignorance of the minutiae will not hold up in a settlement or lawsuit.

As with other newly implemented district mandates, HB2398 should be viewed as a “program” that requires “one-hundred-percent-buy-in” from the campus principal to the Campus Truancy Administrator and especially those who are not in favor of the process. It is understood that even if you do not agree, you support the decision, which in this case is HB2398. In saying this, it is understood that much like the assistant principal who is charged with building the campus master schedule, the Campus Truancy Administrator should be given the same importance. The Campus Truancy Administrator should make a concerted effort to peruse supplemental training in order to ensure every possible aspect of compliance with the law, is met.

It is also important to note that HB2398 and Average Daily Attendance (ADA) are intricately entwined. When students are absent and/or truant, the amount of funding to the

campus is reduced. It makes sense for principals to support and endorse a well-trained Campus Truancy Administrator and an equally well-trained Campus Attendance Committee.

Theme 1.4: Selection of Campus Truancy Administrator

Overall, the position was viewed as a position no one wanted to undertake. Participant 2 mentioned she “traded” LPAC for truancy, “even though LPAC was more time-consuming.” Participants 1 and 7 mentioned they held the position by default, by being either the newest AP on campus, or through delegation from the principal as “the AP gets the job because it cannot be filled by the principal.” Participants 4, 5, and 6 had some say in the selection and were the most optimistic about their success as a Campus Truancy Administrator.

Participants expressed a range from volunteerism to reluctance to being selected as Campus Truancy Administrator. Participant 1 stated the lack of administrative personnel to fill the position as the reason why he was the Campus Truancy Administrator. If there is any truth in the phrase “doing what you love means you’ll never work a day in your life,” reluctance to accept the position of Campus Truancy Administrator only makes the work loathsome.

Participants 4 and 5 stated they had some say in accepting the position, but it must be noted that they view themselves as professionals, thus implying they will take on the task and ensure the work is done correctly. It is concerning that if those selected to be their Campus Truancy Administrator do not dedicate time and attention to the task at hand, errors will be made and consequences from a “laissez faire” or hands-off approach to implementing Truancy Prevention Measures may lead to legal action from parents and a negative end-of-year evaluation for the Campus Truancy Administrator issued by the principal.

This position is among the most critical on campus, yet being assigned as the Campus Truancy Administrator is viewed as “a badge of shame” and as a “punishment” by colleagues.

Why? Because the position requires a commitment to the truancy process and an understanding that it takes a great deal of time and patience to properly complete the process. Who has heard the horror stories of administration assuming all graduates have met the qualifications for graduation, only to have an internal audit reveal otherwise? Repercussions and accusations to and from others do not serve the students well and show a lack of professionalism on the part of the campus administrative team. It would be advisable for campuses to cross-train other assistant principals on the key elements of the truancy process, if only for the purpose of a promotion or illness of the current Campus Truancy Administrator. Much like the assistant principal who is responsible for the master schedule and receives a reduction in the number of additional programs/duties he supervises, it would be advantageous to the campus to extend the same courtesy to the Campus Truancy Administrator. The campus principal has the responsibility to ensure the Campus Truancy Administrator has the resources needed to for the process to be effectively administered and the student does not experience any negative unintended consequences. If those selected as Campus Truancy Administrators had a positive attitude and were committed to the process of keeping students out of truancy court through effective Truancy Prevention Measures, it is more likely the rate of students qualifying for court would be reduced.

Theme 1.5: Time and Resources Expended on Truancy Process

There is never enough time to manage the position of Campus Truancy Administrator effectively. As Participant 6 alluded to "a stack of files two-feet tall" on one AP's desk, district chief financial officers are reluctant to expend funds on additional staff to help reduce the amount of paperwork associated with the task. Hiring a clerk to assist with paperwork is not a "justifiable" expense, and the task may be shared by other administrative clerks.

In addition, Participant 6 stated he does not consider the work expanded, but wished the Legislature would revisit some of the Truancy Prevention Measures for effectiveness. This is where the Campus Truancy Administrator should take advantage of the allowance embedded into HB2398 by utilizing creativity in the prevention measures. What works well on one campus may be less successful on another. By acknowledging his campus' culture, he may find a solution that allows him to be creative, while simultaneously serving the needs of his students. Waiting and hoping that the next Texas legislative session will revisit the issue of Truancy and Truancy Prevention Measures is fruitless.

There is a phrase associated with tasks deemed unpopular yet work on them must be fulfilled. "It is what it is" the saying goes. Of all the different tasks and assignments school administrators have on their schedules, lunch duty is perhaps the one that takes up an exorbitant amount of time. Why? Administrators must constantly monitor student behaviors during a time when faculty are traditionally not available to assist, and paraprofessional and ancillary staff may be prohibited from performing such tasks. Support from School-Based Law Enforcement Officers (SBLE) is limited and in some cases, they are prohibited from serving in a policing role. Their presence is that of a counselor/advisor whose job description is to befriend students while letting the students know their physical presence on campus is to keep them safe.

The assignment of Campus Truancy Administrator is complicated and time-consuming. As Participant 2 alluded, "I traded LPAC for Truancy." This administrator's acknowledgment that both LPAC and truancy take a tremendous amount of time and is indicative of her commitment to the truancy process. As you may recall, she took the initiative to ensure she received training on the process and Truancy Prevention Measures on her own. The researcher is at a loss to describe what other tasks the Campus Truancy Administrators may have been

assigned, but the bottom line is the work has to be done, and it is better when the process is followed with as much fidelity as possible. An assistant principal would not stop monitoring a cafeteria full of students halfway through lunch, nor would he stop supervising students during a high school football game or pep rally. The Campus Truancy Administrator needs to be comfortable in the role and acknowledge the amount of time it takes to perform the tasks correctly. The risks associated with the haphazard implementation of Truancy Prevention Measures are too great to merely dismiss this concern as it is taking up too much time.

Regarding the use of campus resources, it is recommended that staff associated with processing paperwork be assigned “protected time.” Protected time is that where staff may not be interrupted by individuals, answer phone calls, or other associated tasks. Protected time allows staff the ability to focus solely on the tasks at hand, and may reduce errors in paperwork, thus visually ensuring that students assigned to a 45-day contract are adhering to the conditions of the contract, that the ten consecutive days of absence are aligned with the parent’s recently submitted excused absence notes, are within the guidelines needed for court submission, and other documents, i.e. certifying statement, student PEIMS attendance report, Special Education class schedule, and manifestation attestation, are in order.

Theme 1.6: 90% Rule

Participants 3 and 4 were somewhat optimistic about the 90% rule, as they experienced students adhering to the rule and working towards recouping credits and graduating. Participant 1 expressed the discrepancies associated with the number of days per semester students had to attend in order to avoid being sent to court. Participant 6 was not at a loss for words when expressing, “The truancy issues grow bigger each year and the kids are not afraid of court anymore.”

The 90% Rule is the standard upon which everything associated with the truancy process is measured. Simply stated, if the student is not in attendance on campus, there must be either a qualifying reason, or the student is absent from school without permission. Dependent upon the number of days assigned in a semester, the 90% rule is somewhat difficult to monitor. Like everything associated with the truancy process, it is necessary that the attendance clerk work closely with counselors, and the Campus Truancy Administrator to ensure campus records are accurate and kept up-to-date.

Theme 1.7: Loss of Credit

Participants 5 and 7 stated students were not advised on loss of credit upon returning to campus after summer break, and by the time they were sent to court, they had loss credit on the 10th absence. It was almost impossible for students to make up the loss of credit at comprehensive high schools, as loss of credit had to be delt with before, during lunch period, or after school during the week, with Saturday School being an option.

Participant 2 viewed LOC “as a criminal activity where students would be given multiple opportunities to complete the contracts, only to default” in the end. Participant 2 also stated, “There are too many loopholes in the truancy law, and there is inconsistency with both the administration of the Principal’s 45-Day Plan, and loss of credit.” Under the old law, students had the option of making up the time owed over the course of four years, culminating in the student having zero hours owed by the time of graduation. Under the old plan, students could make up time during the school day if they had an ‘out’ or an unscheduled block of time.

Under House Bill 2398, each Principal’s 45-Day Contract must be completed before the end of the following semester. This safeguard was put in place to ensure students could effectively manage the number of hours owed to the district, and students were no longer

allowed to “double-dip,” meaning they were not allowed to complete loss of credit hours during the school day. The Campus Attendance Committee, working in conjunction with the Campus Truancy Administrator, should ensure each student who has a loss of credit contract completed within the guidelines agreed upon during the initial meeting. Because students are not allowed to “double-dip,” meaning they are prohibited from making up time while in school, the campus principal and Campus Attendance Committee should make after school and Saturday credit recovery sessions available. A lab manager should be appointed to ensure students are productively working towards course completion and not merely occupying a seat in the computer lab.

Research Question 2 – Interpretation and Enforcement of Truancy Prevention Measures

How have Campus Truancy Administrators in Far West Texas interpreted and enforced Truancy Prevention Measures with respect to individual campus culture?

Themes

Five themes emerged under Research Question 2. The themes included the following:

1. Effective Truancy Prevention Measures
2. Ineffective Truancy Prevention Measures
3. Policy Impact on Campus
4. Role of Community in Schools
5. Parenting Concerns
6. Student Consequences

The following is a discussion of each theme:

Theme 2.1: Effective Truancy Prevention Measures

Participants 1, 3, and 4 mentioned the effectiveness of the Truancy Prevention Measures that dealt with phone calls, home welfare checks and the presence of CIS on campus. They also alluded to making students aware of how many credits were necessary for graduation.

Participants 5 and 7 held that having to attend a formal court proceeding would "scare-straight" students into compliance.

It is important to understand that all campuses are unique and what works on one campus may not work on another. The ability to make adjustments to Truancy Prevention Measures implemented on campus should be viewed as a plus. For the interventions to be effective, an understanding of campus minutia and sensitivity would have to be present. One campus may find their most effective Truancy Prevention Measure is picking up students at their home and ensuring they are in school and on time. This truancy measure works on campuses where students who are perhaps disadvantaged by parents not having access to transportation. Having the campus principal pick up late arrivals and bring them to school may be viewed as positive. While more affluent campuses would perceive this action as perhaps an embarrassment due, in part, to having a school district vehicle pull up to your front door. Legislators understood the socio-economic concerns of the constituents they serve and allowed a degree of flexibility in designing and implementing Truancy Prevention Measures on individual campuses. When students and parents recognize administrators are using best practices to ensure their child's success, implementing truancy prevention measures is made somewhat easier.

Theme 2.2: Ineffective Truancy Prevention Measures

Perhaps the easiest decision to rectify is the acknowledgement that a Truancy Prevention Measure is not working. This recognition is important because a poorly designed Truancy

Prevention Measure does not serve the student well as precious time is expended. Participants 2 and 3 mentioned the documentation of student absences is time-consuming and redundant.

Participant 4 mentioned the difficulty associated with finding the appropriate persons for signatures is time consuming: “we can't find persons for signature,” while Participant 3 stated, “We will never keep up, but we try.”

Schools must have a positive campus culture to be effective in reducing truant behaviors. Everyone associated with ensuring students have earned enough credits to graduate within their cohort. For example, campuses that have CIS Liaisons are able to approach and develop relationships with students who may need encouragement and not feel embarrassed by accepting help. Participant 1 mentioned bringing in incentives usually targeted by elementary school campuses, (i.e., Dojo points, coupons, free dress, etc.) do not work at the secondary level. Armed with this knowledge, it is easier to switch to a different truancy measure that the student will fulfill.

Theme 2.3: Policy Impact on Campus

Policy impact on campus refers to how the administrative team works together to make sure students are able to complete their credits through E2020 (online curriculum) for those who fail a class. It is important to be creative in assigning Truancy Prevention Measures and that they be individualized for each student to reach academic success.

Participant 4 stated, "I follow the policy to the teeth," alluding to how the truancy process is implemented on her campus. Participants 1 and 2 were less enthusiastic, noting that Participant 1 viewed policy on his campus as just a continuation of the laws, while Participant 2 mentioned the law has created loopholes, thus allowing students to circumvent the process.

Positive campus culture affects the way students view their attendance. Campus leadership must embrace the reality of the law and establish campus rules and procedures that encourage student attendance. By incorporating attendance policies and procedures into the school's mission statement, the chances of student non-compliance with attendance goals are reduced (Tex. Educ. Code §§ 25.085-.086).

Theme 2.4: Role of Community in Schools

Communities in Schools is a non-profit organization that support and empower students to stay in school. The organization has long-standing relationships with many of the local school districts. They provide counseling, parenting, socio-emotional support to students and families. Typically, school districts have a contract to have a CIS consultant at the campus to assist campus administration with these supports for student success. The participants mentioned the following of how CIS supported their campuses.

Participants 1, 2, and 4 had no response regarding Communities in Schools. Participants 5 and 7 mentioned they did not have Communities in Schools at their campuses. Participant 3 mentioned that CIS assisted in the truancy process by conducting home visits and calling parents. If Campus Truancy Administrators emote negativity towards the process, it may scuttle school efforts to promote attendance. Communicating to students how important attendance is will make students aware of their responsibility to attend school, earn credits, and graduate with their cohort.

Theme 2.5: Parenting Concerns

Responses varied depending on the degree of commitment to the process. Participants commented there should be a more proactive approach to interacting with parents. Participants 2, 3, and 4 alluded to explaining the process to parents and the need for constant communication

regarding their students' truancy. Participants 5 and 7 mentioned interactions with parents can be difficult, especially if they have not received timely information on student absences. Parents were angry and vented to administrators, mentioning they were left out of the process.

Administrators have an obligation to keep parents informed as to the whereabouts of students. Under the provision of "*in loco parentis*," schools assume the responsibility of students while they are "on campus throughout the school day" (TEC §26.001, 2015). By abiding by the rules as explained by the *County Truancy Prevention Plan*, parents have a right to know their child's status, thus minimizing the need for difficult conversations with parents.

Theme 2.6: Student Consequences

Participants 1, 2, and 4 did not respond. Of those participants who answered, 3 of the 7 participants perceived students received consequences for truant behaviors. Participants 5 and 2 felt the students did not receive consequences because they, "know how to play the game." There was agreement that students may realize their truant behavior resulted in loss of credit, which has put them in jeopardy of not graduating from high school.

Participants 3, 5, and 6 alluded to what they considered the "positive consequences" of having to appear in court before a judge. Within the context of their statement, it is noted that in their belief, the judge would "scare them straight" into compliance and make them understand they needed to attend school, complete their credits, and graduate with their cohort. The students receiving the "positive consequences" were students who had to appear before a judge since other truancy prevention measurements failed. Students who appeared before the judge were treated like adults, and administrators perceived it as a "positive consequence" to get students on track in order to graduate.

Research Question 3 – Perceptions of the *County Truancy Prevention Plan*

What are Campus Truancy Administrators' perceptions of the effectiveness of the County Truancy Prevention Plan?

Themes

Three themes emerged under Research Question 3. The themes included the following:

1. Knowledge of the *County Truancy Prevention Plan*
2. Interaction with court officials
3. Inability to refer students to truancy court

The following is a discussion of each theme:

Theme 3.1: Knowledge of the *County Truancy Prevention Plan*

Participants 1, 3, and 7 were not familiar with the *County Truancy Plan*. Of the seven participants, three voiced they were not familiar with the plan. The explanation for this answer was they had not read the plan and were unsure as to what it entailed. Participant-2 indicated some familiarity with the plan, stating, “Yes, the judge has the right to throw ‘it’ out” referencing the truancy case. Participants 5 and 6 were more knowledgeable in their understanding of the plan being adaptable to campus culture and student needs.

With three of the seven Campus Truancy Administrators stating they were not familiar with the *County Truancy Plan*; it gives the impression that the plan was not shared with campuses as it should have been. Those administrators who voiced familiarity with the plan had either read it (Participants 5 and 6) and Participant 2 (who took it upon herself to learn about the plan) and understood that many of the interventions in place had come directly from it. There should have been mandatory in-service on understanding the *County Truancy Prevention Plan* to ensure all campus Truancy Administrators knew the details and responsibilities they were

entrusted with and ensure all students had access to every opportunity to receive Truancy Prevention Measures.

Theme 3.2: Interaction with Court Officials

Of the seven participants, Participants 3 and 4 had no response. Participant 2 mentioned that they did not interact with the court personnel. The rest of the participants (Participants 5, 6, and 7) mentioned that they had limited interaction with the courts.

Overall, administrators had limited interaction with court officials, as the *County Truancy Prevention Plan* was designed to serve as the gatekeeper for the Region. This theme is repeated through comments that, “if the paperwork is not pristine, the case is thrown out,” or “I have limited interaction with court personnel.” The underlying goal of HB2398 was to utilize every Truancy Prevention Measure to ensure students attended classes and stayed in school, thus the need to interact with court officials was deemed unnecessary, with the rare exception of a few cases.

Theme 3.3: Inability to Refer Students to Truancy Court

All seven participants mentioned that one of the most frustrating parts of implementing HB2398 is the inability to refer students to truancy court. Participant 1 mentions that “Court is only as effective as the judge.” Participant 2 laments that she wished truancy preventions worked. “We have backed ourselves into a corner.” Participant 6 said the “law has no teeth.” Participants 4, 6, and 7 mentioned the overwhelming amount of paperwork. Their inability to keep up with the process only “makes the attendance problem worse.” Participant 4 mentioned, “It’s burdensome. The judges know there is not much they can do. It wastes time. Just like at the school, the paperwork is burdensome.”

Participant 5 mentioned that “for parents and students, the reality of the law is only a vision until they appear in court.”

Discussion

Administrators were closely aligned in their perceptions of implementation of Truancy Prevention Measures in Far West Texas, with some indicating different levels of understanding the changes in policy; different levels of commitment to implementing the truancy prevention process; and the overall effectiveness of the Truancy Prevention Measures. All administrators expressed frustration with the level of support stemming from the District Attorney’s office, the lack of support resulting from increased workload for campus staff and administrators. Ultimately, Truancy Prevention Measures were deemed effective, dependent upon mode of implementation. Four research questions were used to guide the study and the resulting themes emerged from analysis of the data.

Campus Truancy Administrator’s perceptions of Truancy Prevention Measures were found to be dependent upon the level of leadership employed and the degree of support received by their local education agency and campus leadership. While administrators perceived the intent of decriminalization of truancy through HB2398 as a positive action aimed at keeping students in school and thus increasing graduation rates, they expressed concerns with the amount of work involved with the process, loopholes in the implementation process, and the shared responsibility among campus administrators, counselors, and support staff. Through the practices outlined in the *County Truancy Prevention Plan*, Truancy Prevention Measures on individual campuses led to consequences of students of non-attendance, loss of credit, and being at risk of graduation, and parents unaware of the consequences associated with student non-attendance (TEA, 2015).

Finally, Truancy Prevention Measures are designed to provide active interventions to those students struggling with attendance and, by default failing classes. Legislators understood that campuses would be more successful in implementing Truancy Prevention Measures if they were designed to promote campus culture and avoid the stigma of “interventions for at-risk students.” Successfully implementing Truancy Prevention Measures means the Campus Truancy Administrator and his/her colleagues on the Campus Attendance Committee must work in unison to ensure all elements--attendance, course completion, loss of credit, and successful truancy prevention measures are available to the student. The Campus Attendance Committee is the perfect receptacle for housing these most important tasks. Once the Campus Truancy Administrator and the Campus Attendance Committee are aligned with the mission of sending less students to court and utilizing every opportunity to assign much needed support to students, both the student and campus will experience high levels of success.

Implications for Practice

As illustrated in the discussion of the Superintendent, who failed in his role to provide appropriate leadership in ensuring the effective implementation of Truancy Reform Measures by the campus principal, counselor, attendance clerk, and loss of credit administrators, the results from the dereliction of duty by campus personnel were catastrophic for members of the senior class. The overwhelming task of administering Truancy Prevention Measures on campus is a shared responsibility where appropriate checks and balances should trigger the need for intervention in each area of responsibility. For a campus to wait until the last minute to verify that all seniors are on track for graduation, uncovers a lack of leadership not only from the Campus Truancy Administrator, but from all individuals who assist him in his task. Surely protocol should have been established to define which individual would be responsible for the

multiple areas Truancy Reform Measures impact. The following suggestions may serve as a checklist for future practice.

1. The creation of an Aspiring Administrator course should be established at the local university or Regional Service Center. This should be a pre-requisite college prep course designed with the knowledge that the non-negotiable elements were mandated by the state legislature. This course will establish the parameters of non-negotiable guidelines for implementing Truancy Prevention Measures. This eliminates the guesswork of what happens after the issuance of the 45-day plan, verification of the ten consecutive absence mandates, and monitoring of students found to have committed truant behaviors.
2. At the district level, professional development departments should provide mandatory annual training and certification of all administrators, with updates to the policy as applicable.
3. Novice or assistant principals with less than three years of experience should be restricted from holding the position of Campus Truancy Administrator. This restriction should also apply to assistant principals who are new to campuses. Implementing Truancy Prevention Measures is more effective when students and parents know the assistant principal and there is a relationship built between all three stakeholders.
4. The position of Campus Truancy Administrator should be held by an assistant principal with at least four years of administrative experience. The current process of assigning the position to the assistant principal with the least amount of seniority is a

formula for dire consequences. It should stipulate that there be an assistant Campus Truancy Administrator to ensure that checks and balances are in place.

5. The position of Campus Attendance Committee (CAC) should be the repository for all things involving truancy, attendance, loss of credit, and student discipline. The individuals now charged with these responsibilities will receive additional support as all efforts are focused on graduating students who meet the mandatory completion of 26 credit hours and additional requirements, as applicable.
6. Incorporate the Campus Attendance Committee (CAC) into the Campus Improvement Plan CIP. The Campus Improvement Plan membership consists of the administrators and duly elected faculty and staff on the campus. This helps to ensure the Campus Truancy Administrator will have access to the necessary funds to hire a part-time truancy clerk or a part-time truancy officer. Once the funds have been adopted by the CAC, they are strictly adhered to, as a significant percentage of the funds are made available by state and federal programs.

Recommendations for Research

In terms of future research, this study lends itself to many areas or angles that can be further studied. The role of the Campus Attendance Committee (CAC) would be important that could result in creating training for aspiring administrators as well as the different support personnel involved in attendance and truancy.

Another possible study could be to investigate the attendance and truancy data before and after the passage of HB 2398 in 2015. What impact has the HB2398 made over the last eight years?

Investigating the different County Truancy Prevention Plans across the state of Texas would be an interesting study. Which counties are more successful in reducing the truancy numbers and increasing attendance?

Using this study as a baseline for creating training for the different personnel involved in the truancy process. Making sure that all Campus Truancy Administrators are continuously trained from the moment they are given the truancy responsibilities. The training would include understanding the truancy process, learning about the impact on different exemption groups (i.e., SPED, Title I, homeless; parent, etc.), as well as discussing case studies and the ramifications of not following the protocol. This training could be given at the regional or district level, but could also be modified to be part of the curriculum for aspiring administrators.

Conclusions

HB2398 was overwhelmingly passed by the Texas Legislature on May 13, 2015, by a vote of 140 yeas, 0 nays, and 2 present voting, not voting (HB 2398). This legislation made significant changes to the current law as it related to the decriminalization of truancy. Advocacy groups, such as Texas Applebee, supported this groundswell of support for truancy reform, and the bill received broad support from businesses and parents alike. The ultimate goal of HB2398, which consisted of over 100 pages of legislative changes, was to keep students who had engaged in truant behaviors out of municipal and justice-of-the-peace courts by remanding responsibility for truant students to the schools. Campuses were instructed to have a school administrator, preferably an assistant principal, serve as Campus Truancy Administrator. Implementation of the law began on September 1, 2015.

When taken at face value, Truancy Prevention Measures may appear only to impact student attendance and serve as a means to ensure students are in class, actively engaged in

rigorous course content, and displaying evidence of content learned. However, when there is no planned oversight to ensure students are progressing and completing their 45-day truancy contracts, the results can be catastrophic.

One such example of failure to follow through with implementing Truancy Prevention Measures can be found in a small East Texas Independent School District (heretofore referred to as Park High School and Park ISD) where, during a routine internal audit of graduating Seniors' attendance, grades, and credits, five of the 38 members of the Senior class (more than 80%) failed to meet the state requirements for graduation. Evidence of non-compliance with Truancy Prevention Measures or the truancy process is provided by the Superintendent, Mr. Johnson, during an interview when he states, "In our research, despite the overwhelming issue being attendance...". (Guz, 2023, p. 1) This clue alerts one to the fact that attendance is not closely monitored and a truancy 45-day contract has either not been issued nor complied with.

Additional clues are found in the statements, "Despite the district giving students outlines of graduation requirements, an overwhelming majority of students failed to meet the 90% attendance requirements," and, "So if you're missing attendance hours in late April, in the middle of May, no matter how much (sic) hours you're making up, you're still going to owe attendance hours" (Guz, 2023, p. 1).

First, to the untrained eye a student not meeting the 90% rule is a red-flag and a reason to send an urgent message to the school counselor or the Campus Truancy Administrator of non-compliance with school rules by missing school. This action negatively impacts Average Daily Attendance (ADA, funding from the state of Texas) and should trigger a meeting with either the student's assistant principal or the Campus Truancy Administrator. The second clue is if you are

missing attendance hours in late April...” that implies the student has not been issued a loss of credit contract or is not complying with it.

The audit was conducted two weeks prior to the scheduled graduation date of May 25, 2023. This information was made public on local news broadcasts and CNN, through social media, and at a mandatory meeting of parents who had seniors enrolled in the school. The meeting was scheduled for May 24, 2023, at 6:30 pm. At this meeting, the Superintendent of Schools announced that the district would postpone graduation until June 2023.

According to Superintendent Johnson, the decision to postpone graduation until June was in the best interest of the students “in order to give students more time to meet graduation requirements. “It was further announced that “students will not be able to walk the stage on Friday, like initially intended. They will graduate sometime after June 22 when summer school ends,” (Ropp,2023, p. 1).

News media accounts noted that the “announcement led to a backlash from stunned students and parents, many of whom claimed they were unaware that they were ineligible to graduate. Others were upset they were alerted about the issues just days before the graduation ceremony (KWTX staff, 2023, p. 1).

Some of the concerns raised through the internal audit were student failure to meet the required 90% Attendance Rule and, as such, students lost credits in courses on the Recommended Graduation Plan, commonly referred to as the Four-By-Four-Plan, where students are required to successfully complete four years of English, math, science, and social studies. Sixteen credits are earned under the Four-by-Four-Plan, with the remaining ten credits coming from electives.

“Everything we have done and will continue to do is for the benefit of our children,” Johnson said. “I would rather have the emotions now. I would rather have everyone be upset now, rather, than having to call you back in January of ’24 and telling you that the diploma you received is not worth the paper it is printed on” (Ropp, 2023, p. 1).

“According to the school district, students that have not met the necessary requirements for graduation due to attendance or grades will now have more time to get things in order” (6 News Digital, 2023, p. 1).

Parents were also given the opportunity to ask questions. One parent stated: “I am a parent and I’m hurt. This is a catastrophic failure of leadership and accountability!” While another said, “she was never informed her son wouldn’t be able to graduate until just a few days ago.” She said she “did not even receive a single phone call from the school prior to learning her son was ineligible to graduate” (Ropp, 2023, p. 1).

Superintendent Johnson stated, “We hold firm to our belief that every student in Park ISD can and will achieve their potential. We maintain high expectations, not as an imposition, but as a show of faith in our student's abilities.” (6 Digital News, 2023 p. 1).

Newspaper, social media, and local television stations reported daily on the situation as the Superintendent made inroads to determine what would have allowed such a failure of oversight to occur. Daily updates on the High School were requested. Reports from the district and shared with the community indicated that students failed to meet the required 90% attendance rule, and therefore, students lost credit in classes where they had previously been enrolled. One parent, in an interview with Nicole Sherain, a local reporter stated that her son was assigned to the E2020 lab (online curriculum). She then realized her son had already taken the class and he was not scheduled to take the state-mandated End-of-Course STAAR assessment for

that subject. Therefore, he was not going graduate because he was not scheduled to test. He would have to test at the next opportunity during the summer. This was one of the reasons for moving the graduation date to later after the summer session.

On June 6, 2023, Superintendent Johnson confirmed that he will “act as the principal of Park High School next school year.” The school’s principal and counselor are no longer with the district after a series of issues involving high school graduates this year.” (KWTX Staff, 2023, p.1)

“I want to be heavily involved in the academic outcomes of our children,” Johnson said during a live interview.

As the principal, I will be supporting our teachers and our families and meeting all requirements along the way. In our research, despite the overwhelming issue being attendance, there were some things on behalf of the district that we could’ve done, and we should’ve done better, and we are 100% for a fact, like our graduation rate, fix them for next year.

This statement dovetails with previously made comments where Johnson said,” So along the way there were constant checks, but we have to understand...that the main issue was attendance. So, if you’re missing attendance hours in late April, in the middle of May, no matter how much (sic) hours you’re making up, you’re still going to owe attendance hours (Guz, 2023, p. 1).

This account detailing the lack of oversight by the administrative staff at Park High could have been prevented had the campus established an active Campus Attendance Committee to oversee the various areas which led to Park’s seniors being ineligible for graduation. Concerns of non-attendance; issuance of a 45-day contract to monitor students’ progress on loss of credit; bi-

weekly monitoring of students who received Truancy Prevention Measures, and adjusting the measures if they were deemed unsuccessful; active monitoring of the E2020 lab where students are enrolled in an on-line curriculum program to make-up failed courses. The testing coordinator would have access to the State of Texas Assessments of Academic Readiness (STAAR) End of Course Assessment and would have known to reschedule the test for the student who missed the May retesting session. Successfully completing these tests, English I, English II, Biology, and Algebra I, are part of the components needed for graduation in the State of Texas.

Park High School serves as a cautionary tale of failure to provide oversight, a lackadaisical approach to implementing Truancy Prevention Measures and overwhelming dosage of hubris on the shoulders of the principal, counselor, Campus Truancy Administrator and most importantly, the superintendent. All failed in their primary responsibility of putting students' academic needs first, by not adhering to state-mandated legislative policy and practices.

Had the superintendent acknowledged and not delegated primary responsibility to campus truancy administrators by ensuring the CAC was the receptacle for "all-things Senior," there would not have been the need to postpone the anticipated May commencement.

They should have issued the warning letter, they could have issued the home visit after the fifth absence; 3) the visit by the truant officer; the student has already lost a credit; have 10 days; 5) put student on the docket; 6) involve CIS for parenting and other services; 7) already in court. Multiple people checking each area to make sure each were met. And although students have a very small obligation in this process, we need to acknowledge, the onus was on the adults in the room and not the students.

Receive most up-to-date training on the law, especially when the governor has a special legislative session. Unexpected consequence. Because no matter what the legislature does,

something will always happen. The next areas most affected to deal with one of the exemptions will be the pregnant students and special education. Technically, the migrants do not fit, however if they are the primary source of income, they would fit in the category of primary source of income.

Summary

Chapter 5 includes the analysis of findings by theme for each research question; interpretation of the findings; implications of the findings, recommendations for future research, discussion; and conclusions for the study. Based upon the responses of the Campus Truancy Administrators, while they are supportive of the intent of House Bill 2398, there remains much work to be done.

Truancy Prevention Measures are only as effective as the Administrator who assigns them. The ability to adapt truancy prevention measures for each campus, and more importantly, for each student, ultimately denies due process and equity to other truant students on different campuses. A standardized list of truancy prevention measures should be adopted by the members of the County Truancy Plan to ensure the measures are implemented with fidelity. The discussion on Park High School serves as an example of how the lack of dedication to such an important task can lead to catastrophic consequences. Had the Campus Truancy Administrator incorporated the Campus Attendance Committee into one cohesive group, with appropriate checks and balances to ensure all Seniors were eligible for graduation as scheduled, this hard lesson would not have taken place. Only after being informed of the student's status close to graduation did key personnel take action that should have been a part of the monthly and weekly protocols. As a long-standing Truancy administrator who performed work under the title of "No Senior Left Behind," I am aware of the necessary checks and balances that must be present and

adhered to with fidelity, to ensure truant students receive information on their status at least two months prior to graduation to ensure they are afforded enough time to complete credit recovery and redemption courses, and, if necessary, have their truant record expunged.

My recommendation for future research is incorporating the Campus Attendance Committee into the Campus Improvement Plan (CIP). This is another way to ensure the Campus Truancy Administrator receives the support necessary for successful. Another recommendation is to establish an in-service incorporating the expectations and non-negotiable duties of the Campus Truancy Administrator. This in-service should be mandatory for aspiring administrators who have a minimum of three years at the assistant principal level and who are committed to administering the truancy Prevention Measures with fidelity and understanding of House Bill 2398.

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Appendices

Appendix A

Definition of Terms

Academic achievement—Performance outcomes that indicate the extent to which a person has accomplished specific goals that were the focus of activities in instructional environments, specifically in school, college, and university (Oxford Dictionary, 2018).

Attendance rates—The status of the number of enrolled students in attendance during the course of the school year to the number of enrolled students that year,” (Texas Education Agency, 2015).

Average Daily Attendance (ADA)—According to 20USCS §7801 (1) A) The aggregate number of days of attendance of all students during a school year, divided by (ii) the number of days school is in session during that year (NCES, 2015).

Campus Truancy Administrator—Campus administrator, usually an Assistant Principal, who is charged with implementation and administration of truancy prevention measures on secondary campuses in Texas, effective Fall, 2015 (Texas Education Agency, 2015).

Child in Need of Supervision—Conduct is (1) other than a traffic offense, that violates a penal law of this state of or the United States punishable by imprisonment or by confinement in jail; (2) conduct that violates a lawful order of a court under circumstances that would constitute contempt of that court (Texas Family Code §51.03 Delinquent Conduct; Conduct Indicating a Need For Supervision, 2015).

Chronic Absenteeism—The criteria for chronic absenteeism varies, but generally students who miss 10 or more days of school or 10% or greater of the school year are considered chronically absent (Chronic Absenteeism: Definition and Strategies, 2015).

Chronic Truancy—Students who have been disciplined according to procedure after meeting the criteria for habitual truancy, but continue to accumulate unlawful absences despite court or school mandate (Seeley & MacGillivray, 2006).

Compulsory Attendance—The state of Texas requires students who are at least 6 years old as of September 1 of the applicable school year to attend school and requires students to attend public school until their 19th birthday (TEA, 2015).

Decriminalization of Truancy—The change in the offense of failure to attend school from a class C misdemeanor offense to a civil offense called truant conduct (state of Texas, Legislative Budget Board, 2017).

Due Process—An established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual (The American Heritage dictionary of the English language, 2016).

Education Service Center—Centers located throughout the state of Texas that provide services to districts and teachers to improve student performance, enable efficient school operations, and promote implementation of state initiatives are called Educational Service Centers (Texas System of Education Centers, n.d.).

Every Student Succeeds Act—Federal law enacted in 2015 to ensure student and school success is referred to as the Every Student Succeeds Act (U.S. Department of Education [DOE], n.d.).

Excused Absence—Excused absences do not count against a student's compulsory attendance requirement (TEA, 2015).

Failure to Attend School (FTAS)—An offense for failure to attend school under Section §25.094(a) of the Education Code may be prosecuted in a justice court of any precinct in the county

in which the alleged truant resides or in which the school is located (Texas Education Agency, 2015).

Graduation Rates—“The number of students who complete high school in four years with a diploma divided by the number of students who entered high school four years earlier” (USD, NCES, 2008a, p. 2).

Habitual Truant—A specific number of consecutive unexcused absences from school or total number of unexcused absences over a semester of school year. The school is primarily responsible for responding to truancy (often in the form of a call to parents). If school efforts fail, habitually truant students may become involved with the juvenile justice system (Seeley & MacGillivray, 2006).

House Bill 2398—Commonly known as the “Decriminalization of Truancy Bill,” HB 2398 was signed into law by Governor Gregg Abbott on September 15, 2015, and removes the status offense of truancy, and reassigns truancy cases to family court (Texas Education Agency, 2015).

PEIMS—The Public Education Information Management System encompasses all data requested and received by TEA about public education including student demographic and academic performance, personnel, financial, and organizational information (TEA, n.d.).

Parent Contributing to Nonattendance—“(a) if a warning issued as required by Section §25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section §65.003 (a), Family Code, the parent commits an offense (Texas Education Agency, 2015).

Ninety Percent Rule—Under provisions specified in §25.092 students must attend at least 90% of offered class time and can have no more than nine absences per class, per semester (Texas Education Agency, 2015).

Response to Intervention—Practice of providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make changes in instruction or goals, and applying child response data to important educational decisions (RTI Action Network, 2019).

Seventy-Five Percent Rule—The 75% plan is composed of a teacher majority committee and is specifically designated by school districts to hear cases where a student attended less than 75% of school days (TEA §25.092, 2013).

Social Service Agency—A public or private nonprofit organization providing specialized programs and transportation providing specialized programs and transportation services to a specific clientele such as the elderly and persons with disabilities (National Transit Database Glossary, U.S. Department of Transportation, Federal Transit Administration, 2013).

Status Offense—A type of crime that is not based upon prohibited action or inaction, but rests on the fact that the offender has a certain personal condition or is of a specified character (West’s Encyclopedia of American Law, 2005).

Student Absence—A student is considered absent when he or she is not counted present for the school day, which includes both excused and unexcused absences (TEA, 2015).

Student Attendance—Student attendance is the number of days a student is present for the given school year (TEA, 2015).

Texas Education Agency State Accountability—The TEA state accountability refers to the state system that measures student performance, including student academic improvement and graduation rates (TEA, 2015).

Truancy—A student who is subject compulsory attendance fails to attend school without excuse (for) ten or times within a six-month period in the same school year (Texas Bar Journal, 2015).

Truancy—Truancy is established when 1. “A student who is subject compulsory attendance fails to attend school without excuse a student is absence from school on 10 or more days or parts of days within a six-month period in the same year” (H.B. 2398, 2015). 2. The accumulation of unexcused absences in excess of those allowed by state law (Texas Appleseed, 2015).

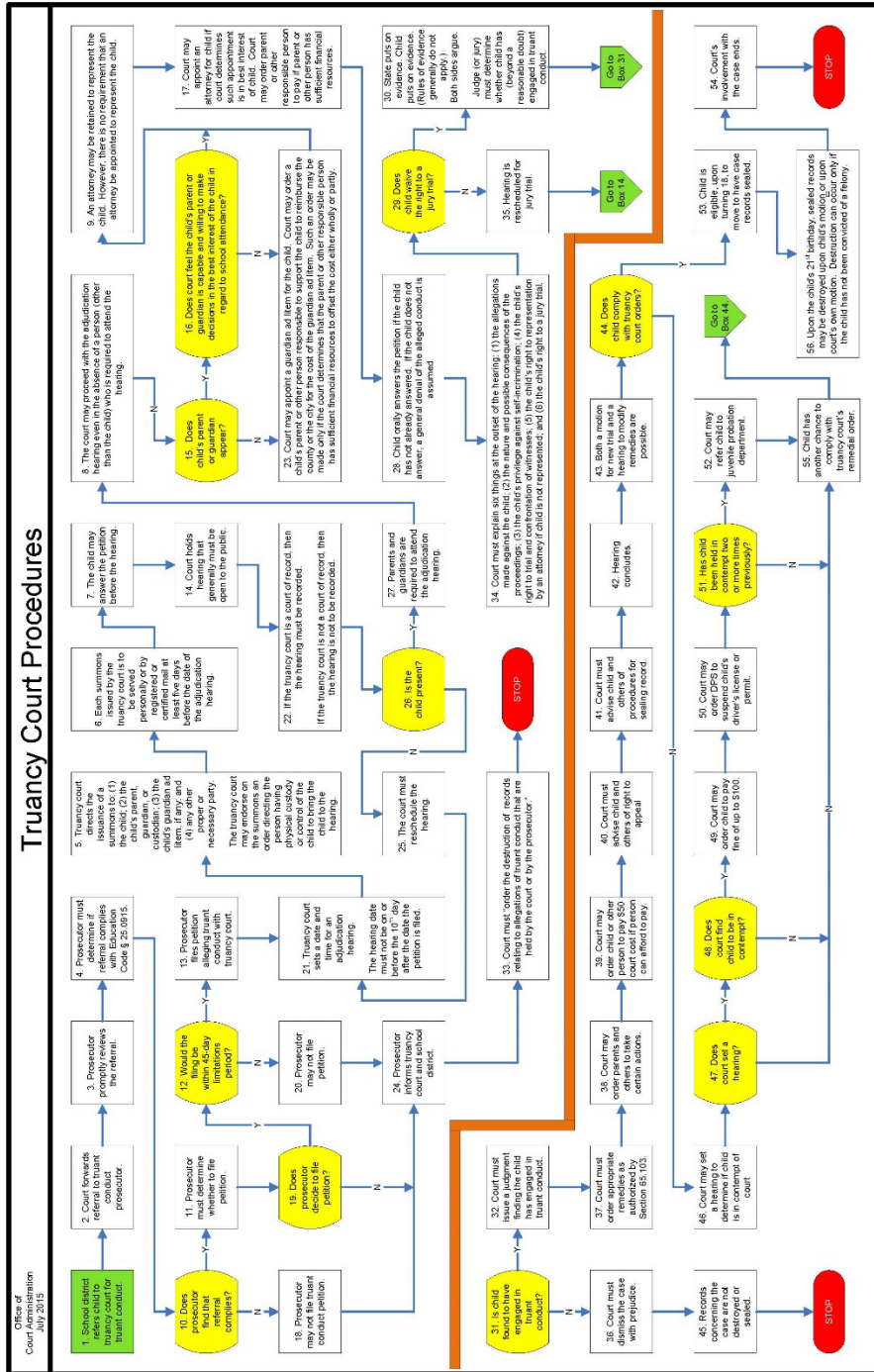
Truancy Prevention Measures—As outlined in §25.0915.[18], these measures include policies, programs, procedures, and personnel utilized to reduce the number of truant students appearing before a Magistrate or Justice-of-the Peace (Texas Education Agency, 2015). Specifically, truancy prevention measures consist of the following: “1. Issuance of a behavioral improvement plan; 2. Referral to school-based community service; and, 3. Referral to counseling, mediation, teen court, or other in-school or out-of-school services,” (Texas Bar Journal, 2015).

Unexcused Absence—An absence is considered unexcused when the student does not provide a teacher, principal, or superintendent with an acceptable reason for his or her absence (TEA, 2001).

Urban—Urban areas consist of 50,000 people or more (U.S. Census Bureau, n.d.).

Urban Cluster—An urban cluster consists of at least 2,500 people and fewer than 50,000 people (U.S. Census Bureau, n.d.).

Appendix B Truancy Court Procedures Flowchart



URL: www.txcourts.gov/media/1022914/truancy-court-procedures.pdf

Appendix C
Truancy Interview Questionnaire for Administrators

Interview Code Number: _____

Location: _____

Date: _____

Administrative Demographics:

1. *What is your age?*
2. *What is your ethnicity? (White, African-American, Native American, Hispanic/Latino, Asian/Pacific Islander, Other)*
3. *What is your marital status? (Single, Married, Widowed, Divorced, Separated, Other)*
4. *What is your highest educational level?*
5. *How many years of experience do you have in education?*
6. *How many years have you been an administrator?*

Anti-Truancy Protocols:

7. *How was truancy handled on your campus before the passage of House Bill 2398 in 2015?*
8. *How would you describe the level of involvement with truant students before 2015?*
9. *How did you perceive the truancy/court process prior to the passage of HB 2398?*

Professional Development:

10. *Are you familiar with the 2015 changes to the law regarding truancy? Texas House Bill 2398 and Truancy Reform Measures?*
11. *Have you received professional development in the area of truancy prevention measures?*
12. *How often do you receive professional development geared towards truancy prevention?*
13. *What types of professional development geared towards truancy prevention have you received?*
14. *How were you selected to be the campus truancy administrator?*

House Bill 2398:

15. *To what degree are you familiar with the 2015 changes to Texas law regarding truancy as defined in Texas House Bill 2398?*
16. *In your school district, who is charged with implementation of truancy prevention measures?*
17. *How has House Bill 2398 impacted the way truancy is handled on your campus?*
18. *How has the 90% Rule been impacted on your campus since the passage of House Bill 2398?*

The County Truancy Prevention Plan

19. *Are you familiar with the County Truancy Prevention Plan?*
20. *In which areas of the County Truancy Prevention Plan have you been most successful?*
21. *How do you interact with other administrators/court officers as described in the County Truancy Prevention Plan?*
22. *Which Truancy Prevention Measures have been most effective on your campus?*
23. *Which Truancy Prevention Measures have been least effective on your campus?*
24. *How have you incorporated parental involvement as described in the County Truancy Prevention Plan?*

Administrator Experience

25. *What are your personal thoughts on truancy and court intervention?*
26. *What anti-truancy protocols would you like to reinstate and use with current Truancy Prevention Measure?*
27. *What factors do you believe contribute to student truancy?*
28. *What have been your experiences in dealing with the exceptions to Truancy Prevention Measure? (Pregnant students, homeless students, foster students, and students who are the primary source of income)*
29. *Is there anything you would like to add regarding Truancy Prevention Measures?*

Vita

The daughter of a military family, Mae Read was reared in El Paso, Texas, and graduated from Bel Air High School. Mae taught at both the middle school and high school levels as an English, Reading, and Social Studies teacher in both the El Paso and Ysleta Independent School Districts. She is a long-standing secondary administrator with over thirty years of experience in public schools in addition to eleven years of federal government service.

Mae earned her Bachelor's degree in Political Science from Texas Tech University followed by a Master's in Public Administration, also from Texas Tech. She subsequently earned a Master's of Education from The University of Texas at El Paso and is currently completing her Doctorate in Education Leadership from the University of Texas at El Paso.

Ms. Read's expertise and passion is in school administration at the secondary level. She has worked in comprehensive and specialty school settings and is a committed school advocate for at-risk and Disciplinary Alternative High School students through Restorative Justice Programming. She also specializes in school policy, school safety, and threat assessment.

Ms. Read served as the secretary on the Board of Directors of the McCall Neighborhood Center for more than six years. She also served as President of the Eta Pi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated©, the first sorority for women of color. Through her role as a leader, Ms. Read has mentored young women throughout her career. Her motto is "Bloom where you are planted."