

## Milam County Truancy Policy

The following Truancy Policy has been adopted by the Milam County Juvenile Committee.

Each of the six Milam County Independent School District's Administrative Staff is responsible for implementing truancy prevention measures within their respective schools in compliance with the provisions of HB 2398. As a minimum this will include but is not limited to the following:

When a student is absent from school for invalid reasons, he/she will be counted as Unexcused for that day or partial day. Below are the steps which are to be taken (Truancy Behavior Intervention Plan):

1. A phone call (or acceptable alternate means of contact) will be made after each unexcused absence informing parents and reminding them to send a note within three days of the absence.
2. The campus attendance officer will mail a warning letter to the parent after the third (3rd) unexcused absence.
3. The campus attendance officer will consider sending a certified letter to the parent or other formal means of contact in addition to a regular postal warning letter after the fifth (5th) unexcused absence.
4. The campus attendance officer will phone the parent and schedule a required meeting with the Principal/Asst Principal and the student may not be allowed to return to classes after the 7th unexcused absence. The parent contact will be documented by certified letter or other verifiable means.
5. The campus attendance officer may withdraw the student after the tenth (10) unexcused absence in a six month period, within the same school year. After the tenth (10th) absence, a criminal case may be filed with the County Attorney against the parent showing parental negligence.

Interventions during the above process, starting at the first unexcused absence, include counseling with the student and the parent, assigning the student to after school detention, home visits with the parent and appropriate behavioral improvement programs are essential before any court action is undertaken.

In Milam County the truant court will be the appropriate Justice of the Peace court in which the school is located. The new law specifies that truant conduct can only be prosecuted as a civil case in the case of the child involved and as a Class C misdemeanor in the case of the parent involved.

If the campus attendance officer deems it necessary to file **AGAINST THE STUDENT** for truancy (civil), the procedure will be as follows:

1. Documentation of the above Truancy Behavior Intervention Plan will be taken to the Milam County Attorney's office (current contact is Mr. Joe Johnson) with a copy to the appropriate Justice of the Peace and file Truancy charges against the student. This must be done within ten days after the 10th absence.
2. The Justice of the Peace office will assign a court appearance date and notify the student through registered mail. The campus attendance officer will receive notice of the appointed date and time. The case must be reviewed within 45 days by the court or it is considered to have exceeded the statute of limitations.

3. The Justice Judge will assess a remedy(s), as allowed by law. Specific remedies for a child found to have engaged in truant conduct include such things as attending school without unexcused absence, attending classes for and taking the high school equivalency exam, attending various rehab and counseling programs, attending work and job skills programs, community service, tutoring, suspending their drivers' license, and so on.

4. No fines are allowed but court costs up to \$50 may be assessed. If the court costs are not paid or the student fails to appear, a warrant or directive will be issued. The result of this could be revocation of a drivers' license, community service, or additional court cost assessments.

If the campus attendance officer deems it necessary to file **AGAINST THE PARENT** for contributing to the child's truancy(criminal), the procedure will be as follows:

1. Documentation of the above Truancy Behavior Intervention Plan will be taken to Milam County Attorney's office with a copy to the appropriate Justice of the Peace office and file Parent Contributing to Non Attendance charges against the parent.
2. The Justice of the Peace office will notify the parent that charges have been filed and issue a summons to appear before the JP within ten (10) days.
3. If the parent pleads Guilty or No Contest, a fine will be assessed to the parent. Parents who are found guilty of the criminal charge of Class C Misdemeanor, criminal negligence can be fined from \$100 for the first offense up to \$500 for the fifth and subsequent offenses.
4. Once the fine is paid, the JP office will notify the campus attendance officer.
5. If the parent fails to pay within the allotted time, a second summons will be issued for a Show Cause Hearing.
6. If at Step 2, the parent pleads Not Guilty, a court date will be set for trial.
7. If there is a trial, the JP office will notify the campus attendance officer.

### **Dissemination of Information**

The law requires that the county track truancy information and share it among school districts, courts and the Juvenile Probation Department. All school districts are asked to make a report at the end of each school year to the County Juvenile Committee on their truancy activities. A form will be provided. Each court is also asked to report on any case activity during the school year and this will be shared with all members of the committee as prescribed by the law. A required report is to be issued by the Committee by December 1, 2017.

## TRUANCY COMMITTEE

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