

F IS FOR FINE

How the Failure to Appear/Pay Program Affects Access to Education

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Texas plays a significant role in shaping the education of over 5 million students each year.¹ With 54.2% of children in the United States relying on being driven to school, transportation plays a vital role in academic success.² Driver's license holds can significantly impact a parent's ability to take their child to school by creating barriers that prevent reliable transportation. Luissana Santibaenz knows this struggle all too well. Her license was suspended over a decade ago because she couldn't afford to pay off all the fines and fees associated with her original ticket. Yet, with no public transit near her home, she continues driving her children to school despite the daily risk of additional tickets or jail time. In Texas, a second Driving While License Invalid offense is a jailable Class B misdemeanor, typically resulting in arrest rather than a citation.³

"I just wish there was an easier process for negotiating my driver's license so that I wouldn't be knowingly breaking the law," she says. "Every day, I put myself at risk, as a mom, as a working mom, just trying to make life happen for us."



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Luissana faces an impossible situation: obeying the law or ensuring her children get the education they need. When parents cannot reliably transport their children to school because of these holds, it can lead to increased absenteeism, low academic performance, and negatively affect the quality of education provided to students.⁴

Under Texas law, criminal courts can impose holds on driver's licenses for nonpayment of fines, court costs, and fees.⁵ Unlike suspensions resulting from unsafe driving, these debt-based holds punish individuals for their financial difficulties by stripping them of their legal driving privileges. Without the means to drive, students' education becomes restricted due to limited access to educational resources.

The inability to drive legally fosters future involvement with the criminal legal system, starting with the inability to pay the initial fine. This cycle of legal issues is often accompanied by a criminal legal record, creating a substantial barrier not just for parents accessing primary education but also for students attempting to gain entrance and access to higher education.⁶

Almost three-fourths of universities require prospective students to disclose their criminal record in the application process.⁷ Young adults also depend on having a valid driver's license to commute to school. Students who cannot reliably travel to their campus may struggle to keep up with school or end up dropping out altogether.⁸

Conversely, individuals with higher levels of educational attainment are more likely to have and keep a valid license.⁹ Individuals with unpaid legal fees are also more likely to accumulate student loan debt and are less likely to complete their degrees than those without such financial burdens.¹⁰

An uneducated workforce can decrease productivity and restrain economic growth. Promoting a skilled and educated labor force is one of the most critical factors for a state's economic growth and prosperity.¹¹

Debt-based license holds criminalize poverty and perpetuate a cycle of financial instability. By penalizing individuals for their inability to pay fines and fees, these policies create significant barriers to quality education. The current premise of the Failure to Appear/Pay Program is nonsensical, given that there is no significant difference in the amount collected per criminal case between municipal *and* JP courts that participate in the program and those that do not.¹² On the contrary, data from more than 800 municipal courts across Texas shows the average collection rate per case for courts using OmniBase to be \$45.44 less than for courts not using the program.¹³ **Join us in asking lawmakers to end debt-based license holds statewide and get people back on the road to financial prosperity.**

REFERENCES & ENDNOTES

¹ Texas Education Agency. (2023). *2023-24 Enrollment Report*. Retrieved from <https://tea.texas.gov/reports-and-data/school-performance/accountability-research/enroll-2023-24.pdf>

² U.S. Department of Transportation, Federal Highway Administration. (2019). *Travel to School: A Brief from the National Household Travel Survey*. Retrieved from https://nhts.omni.gov/assets/FHWA_NHTS_%20Brief_Traveltoschool_032519.pdf

³ Texas Transportation Code § 521.457 (f)

⁴ Urban Institute Student Transportation Working Group. (2017). *Transportation and Education: A Brief*. Urban Institute. Retrieved from https://www.urban.org/sites/default/files/publication/88481/transportation_brief_final_errata_3.pdf

⁵ See Tex. Transp. Code § 706.004.

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⁷ National Conference of State Legislatures. (2023). *Admissions and Access for Incarcerated Individuals*. Retrieved from <https://www.ncsl.org/education/admissions-and-access-for-incarcerated-individuals>

⁸ Schuette, A. (2023). *Transportation as a Barrier to Higher Education: Evidence from the 2022 Student Financial Wellness Survey*. Trellis Company. Retrieved from https://www.trelliscompany.org/wp-content/uploads/2023/07/Research-Brief_Jul23_Transportation.pdf

⁹ American Automobile Association Foundation for Traffic Safety. (2019). *Teen Driver Safety Week Brief*. Retrieved from https://aaaafoundation.org/wp-content/uploads/2019/10/19-0500_AAFTS_Teen-Driver-Safety-Week-Brief_r1.pdf

¹⁰ Board of Governors of the Federal Reserve System. (2020). *2019 Report on the Economic Well-Being of U.S. Households*. Retrieved from <https://www.federalreserve.gov/publications/files/2019-report-economic-well-being-us-households-202005.pdf>

¹¹ Berger, N., & Fisher, P. (2021). *A Well-Educated Workforce Is Key to State Prosperity*. Retrieved from <https://www.epi.org/publication/states-education-productivity-growth-foundations/>

¹² In 2021, Texas Appleseed published a Driven by Debt Report which looked at differences in municipal court revenue for courts who opt to use the FTAP program versus those that do not (see Texas Appleseed (2021). *Driven by debt: The Failure of the OmniBase Program*. Retrieved from <https://www.texasappleseed.org/sites/default/files/2023-05/omnibaserevenuereport-aug11-final.pdf>). In 2024, we have expanded this analysis to JP courts and found that there is also no difference in the revenue collected for JP courts who opt to use the FTAP program versus those that do not. The new data is on file with the authors, and an updated Driven by Debt Report is forthcoming.

¹³ Texas Appleseed (2021). *Driven by debt: The Failure of the OmniBase Program*. Retrieved from <https://www.texasappleseed.org/sites/default/files/2023-05/omnibaserevenuereport-aug11-final.pdf>.