

Committee on Public Education, Texas House of Representatives Invited Testimony on July 25, 2022

Interim Charge 10:

Examine the causes and contributors for chronic absenteeism in public schools and its impact on student outcomes. Consider techniques and approaches that have been utilized by public schools to identify students who are chronically absent and return these students to classrooms.

Introduction/Background

Good afternoon, Chairman Dutton, Committee Members: Thank you for the invitation to speak today on the subject of chronic absenteeism in public schools.

I'm Dr. Vicky Sullivan, Senior Staff Attorney in the Education Justice Project at Texas Appleseed, a public interest justice center promoting social, economic, and racial justice. I'm also a former public-school educator with over 25 years of experience in one of the largest school districts in our state. I served in various roles, including: high-school teacher, high-school assistant principal, district hearing officer, and for the last decade of my career, I served as director of the district's central office department charged with guiding district-wide on student attendance and student discipline.

Reforming of State Law (through Legislation) re: Student Attendance (Truancy)

Although the Education Code does not provide guidance to address chronic absenteeism, and chronic absenteeism and truancy are not necessarily one in the same, still there exists some common elements to effectively re-engage with the student.

In 2013, the Texas Legislature began the process of changing how school districts and courts address truancy with a goal to decrease the number of students entering the criminal justice system or the 'school-to-prison' pipeline.

- With the passage of SB 393, rather than responding harshly by threatening students and parents with truancy court referrals and fines, schools have the responsibility to provide early intervention through meaningful diversionary measures and programs.

In 2015, the legislature passed HB 2398 decriminalizing student truancy and mandating schools apply truancy prevention measures with required actions aimed at addressing the student's truancy, including: development of a student behavior improvement plan, referral to counseling, mentoring, or school-based or community-based services.

- HB 2398 mirrored an approach adopted under my leadership at the school district, used for chronically absent and truant students - where the focus was addressing the reason(s) for nonattendance, involving all the necessary individuals in developing an individualized plan of action, then implementing meaningful, incremental interventions.¹
 - This approach resulted in the district's record-high attendance rates.
 - A significant principle that guided our work was the importance of the relationship between the school and the student.
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Career Experience in Public School

My experience as an educator has provided me with practice in just about all aspects of student attendance, including working directly with chronically absent students and their families. Because we know the reasons for nonattendance are individualistic, varying from student to student depending on their set of circumstances, the solutions must be personalized. Addressing the casual nature of chronic absenteeism is consistently the best avenue to guiding a student back on track. And, while this is a necessary foundation, in many cases, this may not be enough: if the relationship between the school and student is strained such that the student feels unsupported and disconnected from their school, then reengagement may be particularly complex.

In transforming a school or school district culture so it properly values student attendance for *all* students, the following elements have proven critical:

- **First, specific to the student & parent or guardian:**
 - (1) **Identify students in need and personalize an action plan** to effectively address the causal nature of the non-attendance, through the collaborative development of an individualized attendance plan, ensuring to engage the needed student support services (like, Communities In Schools, social workers, food bank) and mental health services (like, counselors, school psychologists) when appropriate, and involve students and parents in all discussions and decision-making;
 - (2) Work to connect or positively engage with the student and parents through involving them in school activities or providing support services.
- **Second, specific to the school district & school, a needs assessment process is necessary for determining the culture of attendance and school climate:**
 - (1) As part of this process, conduct a **self-assessment on school and school district practices to include:** evaluating student attendance data and student

¹ *New Truancy Law September 1/ Interviewer: Ashlei King, Fox San Antonio, San Antonio, TX. (September 29, 2015) [https://www.youtube.com/watch?v=ngSXz00IAF0](https://news4sanantonio.com/news/local-deprecated/new-truancy-law-begins-sept-;_New State Law Mirrors Northside's Truancy Approach – HB 2398 decriminalizes truancy/Interviewer: Charles Gonzalez, KSAT 12, San Antonio, TX. (August 14, 2015), <a href=)*

leaver/mover data trends, examining reasons for absences using qualitative and quantitative data, understanding the reasons for disproportionate absenteeism among students and vulnerable populations; examining if school policies or procedures contribute to poor attendance; identifying barriers and inequities; etc. I've used and recommend Self-Assessment Tools offered by Attendance Works²;

- (2) As a whole, **school districts ought to implement a comprehensive, holistic-focused, coordinated approach using best practices, research-based resources**, again like those developed by Attendance Works.

As for techniques in accurately identifying chronically absent students, logistics matter.

- Proper identification requires a district-wide attendance information system with early warning identifiers that is accurately maintained, steadily monitored, and where data reports are regularly retrieved, disaggregated by sub-populations, analyzed, and goals actionized.
- Development of district-wide, well thought-out, clearly defined attendance policies, and publication & communication of these policies to students/parents is also critical.

Texas Appleseed's Education Transformed Report

In March 2021, Texas Appleseed published "Education Transformed" - a report where we discuss how the pandemic has adversely impacted young people in every aspect of their lives. It has transformed more than their education, for many it has upended their lives as a whole.³

- Whether dealing with household food insufficiency, housing insecurity, foreclosures, evictions, or other family hardship, many schoolchildren are still struggling to grapple with these ongoing challenges.
- Also, schoolchildren are hard pressed to keep up with school, particularly after having endured significant learning loss.
 - Undeniably, low-income and marginalized students, often Black and Brown students, are the most vulnerable and the most adversely affected.
- Tragically, some school districts are moving forward with business as usual referring students and parents to truancy court, rather than addressing causal factors in the student's nonattendance as required by statute.

² <https://www.attendanceworks.org/>

³ https://www.texasappleseed.org/sites/default/files/EducationTransformed_Report032921-Fin.pdf

Preliminary Key Findings re: Truancy Court Observation in 2022

This year, Texas Appleseed is continuing its investigation of truancy court cases. Together with coalition partners, we've made visits to Dallas, Houston, and Corpus Christi. While the volume of cases is not nearly as excessive as it once was, the cases that made the docket and their evaluation caused reason to be concerned.

- In all truancy court locations visited in Dallas, Houston, and Corpus Christi, by and large most cases involved Brown and Black families.
- One Dallas Judge incorrectly quoted the 'parent contributing to nonattendance' criminal charge as: 3 or more unexcused absences (UAs) in a 4 week period or 10 or more unexcused absences (UAs) in a 6 month period. Since 2015, the former is no longer inclusive in this charge.
- A Dallas Court stated unexcused absences generally occur for one of three reasons:
 - (1) student skips class; (2) student shows up late to class after the teacher has taken attendance; and (3) note to excuse the absence is not turned in within 3 days of the absence.
 - Contrarily, most Dallas & Corpus students described battles with mental and physical health issues. In Houston & Corpus, several students mentioned medical issues related to Covid. One student was told she must go to school when sick to obtain a school nurse's note for medical documentation.
 - Dallas & Corpus students repeatedly reported they turned in notes to the school but still their absences showed unexcused.
 - In response, one Judge explained that sometimes schools only excuse a certain number of notes during a time period.
 - Statute provides courts the authority to excuse an absence, particularly when a school's local policy may be unwise.
- On the Dallas docket was a case from 2019-2020 filed by the school district; the judge dismissed the case for being untimely since statute requires cases be filed within 10th days of the 10th unexcused absence. Here, the student missed school to be at court and the parent likely missed work.
- In Houston and Corpus, rather than attempting to reconnect the student with the school, the GED option was repeatedly raised as a solution; In Corpus, every high school student was threatened with GED, including a senior only 10 days away from walking stage and a 14 year-old on grade level who didn't even qualify for GED;
- In all locations, most cases incurred fines or fees. And, even though the reasons for absence may be legitimate, discussions centered around court protocols and waiver rights rather than vetting the merits of the case, ensuring schools exhaust statutorily-required interventions, or engaging in meaningful discussions surrounding the reasons for absence.