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## Texas Students Sue Over Truancy Punishment

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DALLAS—A group of students is accusing several school districts here and in surrounding suburbs for treating them like adult criminals for missing school.

The complaint, filed Wednesday with the U.S. Department of Justice by three law centers, alleges that Texas laws impose "cruel and unusual punishment" for truancy, in violation of students' constitutional rights.

Truants face high fees, hours of community work and sometimes incarceration, according to the three groups—Austin-based Texas Appleseed, Disability Rights Texas in Houston and the National Center for Youth Law in Oakland.

"They're just repeatedly making us suffer," said Ashley Brown, 16, one of the seven students who brought the complaint.

Supporters defended the system, saying the court cases are necessary and effective to make truant students return to school.

"There are times that despite the measures that are in place by school districts, it takes the level of legal intervention to get them into the class," said Chris Moore, a spokesman for the Garland Independent School District, one of the four named in the complaint.

Officials at Richardson and Mesquite independent school districts, two other districts named in the complaint, said they were reviewing the case, adding that their policies follow state law. The other, the Dallas Independent School District, said in a statement that it adheres to state attendance policies while striving to ensure "that all students are treated equitably."

More than 40 states consider truancy a status offense, a category of juvenile crimes that also includes running away or buying liquor. Juvenile courts throughout the country processed more than 50,000 truancy cases in 2009, the latest year for which data from the National Center for Juvenile Justice are available. Some 2,800 of those cases involved detention by authorities.

Those statistics don't include most cases in Texas, which, unlike most states, treats truancy as Class C misdemeanor, a criminal offense that is tried in municipal or justice-of-the-peace courts.

More than 100,000 truancy cases were filed in Texas last year, according to state and county statistics. The state doesn't keep statistics on detained truants, but Dallas County alone placed some 400 of them in detention for failing to pay fines and other reasons associated with their cases, according to the complaint. County officials didn't respond to requests for comment on the figures.

The Texas arrangement has been criticized by a variety of groups, from the Texas affiliate of the American Civil Liberties Union to the Texas Public Policy Foundation, a conservative think tank. They say the courts are doing little to stop truancy, while wasting taxpayers' money.

Critics say it is more productive to intervene at school before filing a case in court, as a growing number of states are doing.

In Florida, truants are referred to a network of nonprofits that aims to solve the root causes of truancy by offering services such as counseling and shelters. Court is usually reserved as a last resort, with only 11% of the students referred to the group in 2011-2012 ending up in court, said John Robertson, program-services director at the network.

"I don't know that the court system is as prepared therapeutically to serve these youths as we are," he said.

Dallas County Judge Clay Jenkins, whose office oversees the courts that handled the truancy cases listed in the complaint, said his office refers students to groups that can help them with drug or mental-health problems that may be keeping them from school.

He said more than 90% of Dallas students who appear in truancy court graduate, compared with a 75% graduation rate in the district as a whole.

Deborah Fowler, deputy director at Texas Appleseed, said the support services offered by the courts are only available to a small fraction of students. The graduation rate cited by Mr. Jenkins, she added, is misleading because it doesn't take into account the students who never show up in court.

Those who do show up have little way of contesting the charges, she said, even if they have valid justifications for missing school, because they have little understanding of court proceedings. Unlike juvenile courts, the courts that handle truancy cases aren't required to assign lawyers to defendants, according to the complaint.

Ms. Brown, one of the students who brought the complaint, said her school brought a case against her for missing school more than 10 times in a six-month period. It was later dismissed because her absences were justifiable or marked by mistake, she said.

John Anderson, assistant principal at South Oak Cliff High School in Dallas, which Ms. Brown attends, estimates the school has brought cases against at least 10% of the student body.

But so far, he added, sending kids to court has done little to persuade them to come to school regularly.