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**Advocates Urge Texas Education Agency to Strengthen Rules On Truancy Prevention Measures and Sanctions**

Attorneys from Disability Rights Texas, the National Center for Youth Law (NCYL) and Texas Appleseed, concerned that local school districts still refer students to court for truancy without providing legally-required prevention and intervention services, have called on the Texas Education Agency (TEA) to provide stronger guidance to ensure districts comply with the state's revised truancy laws.

The advocates raised their concerns in [public comments](#) submitted in response to new rules issued by TEA, as required by HB 2398, which decriminalized truancy and prioritized school-based prevention and intervention for students who are truant. On the same day, these same advocacy organizations filed complaints with TEA alleging that the [El Paso](#) and [Mesquite](#) Independent School Districts continue to refer students with disabilities to court for truancy rather than providing services mandated under HB 2398.

"School districts need clearly defined rules, oversight, and accountability from TEA to prevent them from continuing to use the truancy court referral system as a way to push students with disabilities out of school," said Dustin Rynders, Supervising Attorney with Disability Rights Texas. "Otherwise, districts will continue to deny students with disabilities services and refer them to truancy court to avoid their obligations to these students."

In El Paso, a student with a disability was forced out of school, and his mother was fined by the court as a result of the School District's actions. The complaint seeks accommodations for the student's disabilities and reimbursement for the court-imposed fines and costs resulting from the District's illegal actions.

Despite the high school student's documented history of chronic illness, and medical documentation for his absences, the District filed charges of truant conduct against the student. "The court case relied on false evidence from the District representative,"

according to Michael Harris, Senior Attorney at NCYL. “As a result the student was directed to receive homebound educational services and his mother was convicted of a Class C misdemeanor, fined \$100 and ordered to take parenting classes. El Paso ISD had the opportunity to work with this student and create an individual plan to address absences, but chose instead to send this student to court.”

Mesquite ISD, likewise, referred a student with a documented disability to the truancy court not once but twice. In both instances, the court dismissed the truancy charges as the student’s medical needs were well-documented. The District never took any steps to accommodate the student’s medical condition before referring the student to truancy proceedings as required under Texas law.

Even more disturbingly, the District, in response to an open records request, could produce little or no evidence that it was attempting to implement the new truancy law or provide prevention and intervention services as required by HB 2398.

“The legislation has resulted in a dramatic reduction in court referrals for truancy,” according to Deborah Fowler, Executive Director of Texas Appleseed. “However, we still see school districts struggling to make the shift to individualized, school-based prevention and intervention targeting the root of attendance barriers. Districts need robust guidance and technical assistance from TEA — and parents and students need a complaint process in case districts still fail to comply with the new laws. We hope TEA will consider our suggestions where the proposed rules fall short.”

Disability Rights Texas, NCYL and Texas Appleseed have asked TEA to include in the minimum standards a requirement that before a referral to truancy court, any student who might have a disability be evaluated for special education services and accommodations and the convening of a committee to determine causes of nonattendance for any student with a disability already served in special education or under Section 504. In addition, the advocates are asking TEA to include a formal complaint process for parents if a school or district does not comply with the requirements to provide their child with prevention and intervention services.

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*Disability Rights Texas is a nonprofit legal firm and is federally designated as the protection and advocacy agency for people with disabilities in Texas. Its mission is to help people with disabilities understand and exercise their rights under the law, ensuring their full and equal participation in society.*

*The National Center for Youth Law (NCYL) is a national non-profit organization that has been working for over four decades to improve the lives of at-risk children. Employing a range of strategies, NCYL works to ensure that low-income children have the resources, support, and opportunities they need for healthy and productive lives.*

*Texas Appleseed is a public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. The nonprofit conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. For more information, visit [TexasAppleseed.org](http://TexasAppleseed.org).*