



ANTI-TRUANCY MANUAL



Mark Emanuel Mendoza, Director

The Alpha Initiative

Department for Student Retention and Truancy Prevention

El Paso Independent School District

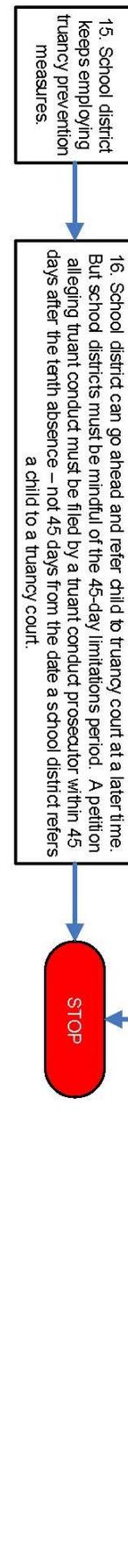
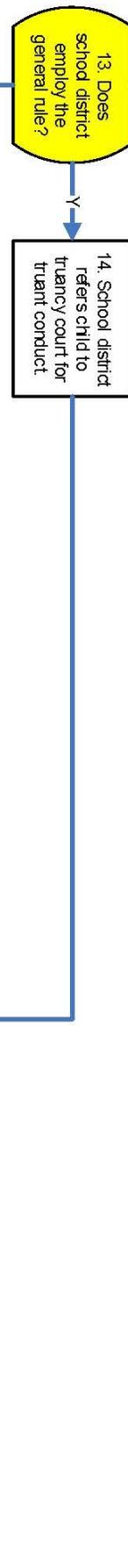
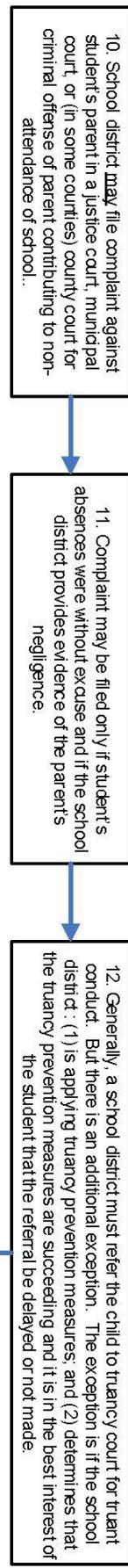
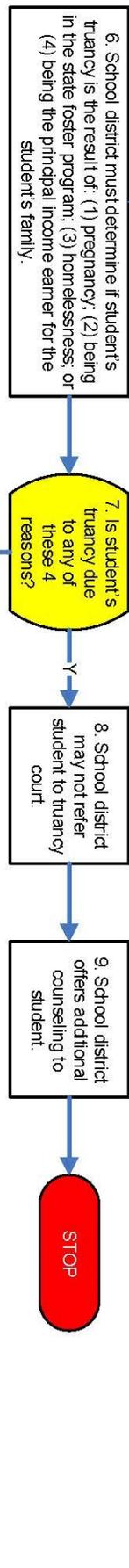
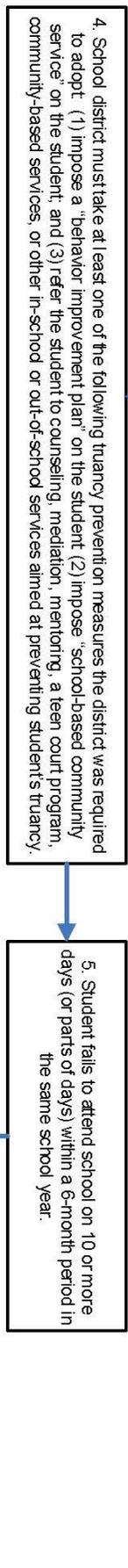
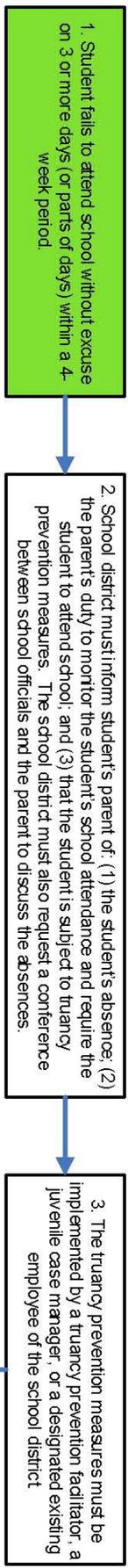
TABLE OF CONTENTS

SECTION 1.0	OFFICE OF COURT ADMINISTRATION ANTI TRUANCY DOCUMENTS	3
1.1	FLOWCHART	4
1.2	STEP BY STEP COMMENTARY ON FLOWCHART	5
SECTION 2.0	ANTI-TRUANCY PROCESS	12
2.1	PROCESS OVERVIEW	13
2.2	NOTIFICATION REQUIREMENTS AND FORMS	14
SECTION 3.0	TRUANCY PREVENTION MEASURES	18
3.1	ANTI-TRUANCY INTERVENTION PLAN AND FORMS	19
SECTION 4.0	DISTRICT ATTORNEY GUIDE FOR TRUANCY AND PARENT CONTRIBUTING CASES	34

SECTION 1.0

OFFICE OF COURT ADMINISTRATION FLOWCHART AND ANNOTATION ON CHANGES IN TRUANCY LAWS

School Responsibilities Regarding Truancy



Step-by-Step Commentary Accompanying Flowchart for School Responsibilities Regarding Truancy

July 2015

Ted Wood
Assistant General Counsel
Office of Court Administration
State of Texas
E-mail: ted.wood@courts.state.tx.us
(512) 936-1183
FAX: (512) 463-1648

Box 1. Student fails to attend school without excuse on 3 or more days (or parts of days) within a 4-week period.

This is the event that moves a school district into action in regard to a student who is missing school.

Move to Box 2.

Box 2. School district must inform student's parent of: (1) the student's absence; (2) the parent's duty to monitor the student's school attendance and require the student to attend school; and (3) that the student is subject to truancy prevention measures. The school district must also request a conference between school officials and the parent to discuss the absences.

"A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

- (1) inform the parent that:
 - (A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and
 - (B) The student is subject to truancy prevention measures under Section 25,0915; and
- (2) request a conference between school officials and the parent to discuss the absences."

Education Code § 25.095(b).

Go to Box 3.

Box 3. The truancy prevention measures must be implemented by a truancy prevention facilitator, a juvenile case manager, or a designated existing employee of the school district.

"(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention

measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.”

Education Code § 25.0915(d), (e).

Go to Box 4.

Box 4. School district must take at least one of the following truancy prevention measures the district was required to adopt: (1) impose a “behavior improvement plan” on the student; (2) impose “school-based community service” on the student; and (3) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at preventing student’s truancy.

”As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

(1) impose:

(A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student’s parent or guardian, and that includes:

- (i) a specific description of the behavior that is required or prohibited for the student;
- (ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or
- (iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

(B) school-based community service; or

(2) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student’s truancy.”

Education Code § 25.0915(a-1).

Advance to Box 5.

Box 5. Student fails to attend school on 10 or more days (or parts of days) within a 6-month period in the same school year.

The hope is that the truancy prevention measures keep children in school and serve to reduce multiple absences from school. The idea of the new truancy reforms is to reduce the number of students that ever accrue the ten absences that make them eligible for court action. But, there will still be many cases in which a student will be absent from school on ten different days. When this happens, school districts are required to take action.

“If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student’s 10th absence refer the student to a truancy court for truant conduct under Section 65.003(a), Family Code.”
Education Code § 5.0951(a).

The foregoing is a general rule. There are some exceptions as the succeeding boxes on the flowchart will demonstrate.

Go to Box 6.

Box 6. School district must determine if student’s truancy is the result of: (1) pregnancy; (2) being in the state foster program; (3) homelessness; or (4) being the principal income earner for the student’s family.

As mentioned above, there are some exceptions to the general rule that a school district must refer a student to a truancy court upon the student’s tenth absence. A main exception (involving four situations) is set out in Education Code, Section 25.0915(a-3) which reads as follows:

“A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student’s truancy is the result of:

- (1) pregnancy;
- (2) being in the state foster program;
- (3) homelessness; or
- (4) being the principal income earner for the student’s family.

Go to Box 7.

Box 7. Is student's truancy due to any of these 4 reasons?

If yes, then go to Box 8. If no, the move to Box 10.

Box 8. School district may not refer student to truancy court.

See commentary in connection with Box 6.

Go to Box 9.

Box 9. School district offers additional counseling to student.

See commentary in connection with Box 6.

Stop.

Box 10. School district may file complaint against student's parent in a justice court, municipal court, or (in some counties) county court for criminal offense of parent contributing to non-attendance of school.

"If a student fails to attend school without excuse as specified by Subsection (a), [10 absences] a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence."

Education Code § 25.0951(b).

Go to Box 11.

Box 11. Complaint may be filed only if student's absences were without excuse and if the school district provides evidence of the parent's negligence.

See statute set out in connection with Box 10 above.

Go to Box 12.

Box 12. Generally, a school district must refer the child to truancy court for truant conduct. But there is an additional exception. The exception is if the school district : (1) is applying truancy prevention measures; and (2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that the referral be delayed or not made.

"Notwithstanding Subsection (a) [general requirement for school district to refer case to truancy court], a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the school district:

- (1) is applying truancy prevention measures to the student under Section 25.0915; and
- (2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made."

Education Code § 25.0951(d).

Go to Box 13.

Box 13. Does school district employ the general rule?

If yes, then go to Box 14. If no, then go to Box 15.

Box 14. School district refers child to truancy court for truant conduct.

Stop.

Box 15. School district keeps employing truancy prevention measures.

Go to Box 16.

Box 16. School district can go ahead and refer child to truancy court at a later time. But school districts must be mindful of the 45-day limitations period. A petition alleging truant conduct must be filed by a truant conduct prosecutor within 45 days after the tenth absence – not 45 days from the date a school district refers a child to a truancy court.

The relevant statute on the 45-day limitations issue is Section 65.055 which reads as follows:

“A petition may not be filed after the 45th day after the date of the last absence giving rise to the act of truant conduct.”

Stop.

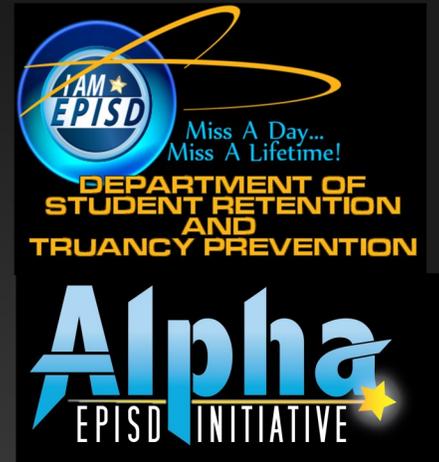
SECTION 2.0

STANDARD OPERATING PROCEDURE ANTI-TRUANCY PROCESS

2.1 PROCESS OVERVIEW

**HB 2398
COMPULSORY
ATTENDANCE SCHOOL
BASED INTERVENTION
PROCESS**

**EPISD
COMPULSORY
ATTENDANCE
MAJOR
COMPONENTS**



**STUDENT IDENTIFICATION AND
NOTIFICATION REQUIREMENT**

**LEVEL 1 INTERVENTION
ANTI TRUANCY INTERVENTION TEAM**

**45 DAY PLAN
MONITORING CYCLE
EVALUATION FOR COMPLIANCE**

**LEVEL 2 LEGAL SYSTEM
IF NO COMPLIANCE, POSSIBLE COURT
FILING ON PARENT POSSIBLE REFERRAL
TO TRUANCY COURT FOR STUDENT**

ALL LEVELS ATTENDANCE FOR CREDIT STANDARD OPERATING PROCEDURES

2.2 NOTIFICATION REQUIREMENT

- 1. Utilizing Excessive Absence Report (TEAMS), identify students who are demonstrating Unexcused Absences (See Document 2.2.1)**
- 2. Send Notice of Unexcused Absence to Parent at 3 Unexcused Absences by US Mail (See Document 2.2.2)**
- 3. Monitor receipt of these letters for returned mail.**
- 4. Request Residence Verification for all students for whom letters are returned as undeliverable using the Alpha Request button at the Technology and Information Systems E-SERVICE REQUEST tab at www.myepisd.org. (See Document 2.2.3)**
- 5. Place a copy of all notices in the Student Attendance Intervention File for each student for which letters are generated.**

*** NOTE: This letter is NOT the same as the 90% Rule Attendance For Credit letters that are sent when a child/parent is in danger of losing credit or final grade due to lack of attendance. The Notice of Unexcused Absence only takes into consideration UNEXCUSED absence whereby the Loss of End of Year Grade Letter takes into consideration all absences, whether excused or unexcused.**

2.2.1 REQUIRED NOTICE FLOWCHART

**REQUIRED UNEXCUSED
ABSENCE FLOW CHART
3.2.1**

**EPISD ATTENDANCE
NOTIFICATION PROCESS**



**NOTICES OF UNEXCUSED ABSENCE
REQUIRED BY HB 2398**

- THIS IS AN AUTOMATED PROCESS
- ALPHA TEAM WILL GENERATE LETTERS AS ONE PDF FILE FOR EACH CAMPUS AT LEAST WEEKLY.
- THE PDF FILE OF NOA'S WILL BE SENT BY EMAIL TO THE CAMPUS ATTENDANCE OWNER.
- EACH CAMPUS TO PROVIDE ENVELOPE AND POSTAGE.
- CAMPUS WILL DO THE MAIL OUT BY USPS.

**RESIDENCE VERIFICATIONS WILL BE DONE
BY TRUANT OFFICERS AND ALPHA TEAM
MEMBERS FOR ALL NOTICES THAT ARE
RETURNED AS UNDELIVERABLE**

**COPY OF NOTICE TO BE PLACED IN STUDENT
ATTENDANCE INTERVENTION FILE**

2.2.2 PARENT WARNING LETTER



Department for Student Retention and Truancy Prevention - The Alpha Initiative

EL PASO INDEPENDENT SCHOOL DISTRICT

OFFICIAL WARNING TO PARENT OR GUARDIAN REGARDING COMPLIANCE WITH
TEXAS COMPULSORY ATTENDANCE LAW

Date:

Action Date:

RE:

Student#:

Address:

Grade:

The academic success of every student in the El Paso Independent School district (EPISD) is important to us; daily school attendance and arrival on time are critical to this success. We are sure you are aware of how important it is that your child receive a quality education. However, you may be unaware that it is your duty to monitor your child's attendance and make sure he/she is in school each and every day, in class and on time. Failure to do so could result in a criminal case being filed against you in Truancy Court. In addition if your child is 12 years old and younger than 19 he/she is subject to truancy prevention measures and could be referred to a Truancy Court.

EPISD records indicate that your child has unexcused absences for the days or parts of days shown below:

Please consider this letter a warning. Should your child receive additional unexcused absences a criminal charge may be filed against you, the parent, and prosecuted by the District Attorney's office.

Please contact your child's school immediately upon receipt of this letter to schedule a conference with school administration to discuss your child's unexcused absences. Failure to schedule a conference may result in filing a criminal charge in JP court and may serve as evidence of failure to require attendance.

Thank you for your attention to this matter.

_____ - Assistant Principal

School Telephone Number:

2.2.3 RESIDENCE VERIFICATION PROCESS

2017-2018 RESIDENCE VERIFICATION REQUEST PROCESS

THE ALPHA INITIATIVE

DEPARTMENT FOR STUDENT RETENTION AND TRUANCY PREVENTION

1. Log in to MYEPISD.
2. Click on eService Requests at the left hand side of the screen.
3. Click on ALPHA REQUESTS. This will open the online request form.
4. Enter student and parent information as requested by the form.
5. Please include only one student per electronic request. NOTE: If students are siblings, you may list the siblings in the DESCRIPTION part of the form.
6. In the DESCRIPTION blank, please identify the SUSPICION which leads to the residence verification request along with a detailed description of why the school suspects non-residence . For example: RETURNED MAIL, PATTERN OF TARDINESS, STUDENT SELF-ADMISSION, ALLEGATION OF NON-RESIDENCE, ATHLETIC ELIGIBILITY, ETC., along with a detailed description of suspicion. Please note: We will not residence check students and families for whom generic reasons are listed. Examples of non-allowable generic reasons are: AS PER PRINCIPAL, DISCIPLINE, FAMILY MOVES A LOT, MEXICO/NEW MEXICO LICENSE PLATE (without other, more specific statement of suspicion), NO REASON LISTED, ETC.
7. At the bottom of the ELECTRONIC REQUEST FORM be sure to CC staff members who you would like copied on the request. Please be sure to CC Mark Mendoza and Sylvia Maldonado so that we will receive an email when you complete your request.
8. Sylvia Maldonado or Mark Mendoza will assign a LEAD on the investigation and all personnel who are on the CC will receive progress reports as the investigation progresses.
9. All RESIDENCE VERIFICATION REQUESTS will be reviewed for prior checks during last school year. If the student/family has been found previously to be RESIDING, then an additional statement of suspicion documenting any change that merits an additional residence check will be required. This is to avoid unnecessary harassment of our clients.
10. No RESIDENCE VERIFICATIONS will be performed without an Electronic Service Request.

SECTION 3.0

**STANDARD OPERATING PROCEDURE
TRUANCY PREVENTION MEASURES**

ANTI TRUANCY STANDARD OPERATING PROCEDURES

3.1 ANTI TRUANCY INTERVENTION PLAN

LEVEL I STUDENT INTERVENTION

3.3.1 PURPOSE: The ATIT exists to assist in providing intervention to students identified as demonstrating 'unexcused absences' or other truancy issues as required in the 45 day plan specified in HB 2398.

3.3.2 LEGAL AUTHORITY: TEXAS HOUSE BILL 2398 AND SENATE BILL 107.

3.3.3 WHY IS THIS PLAN NECESSARY: School districts in the state of Texas are now required to implement Truancy Prevention Measures which must include one of the following:

3.3.3.1 A behavior improvement plan that includes a specific description of required or prohibited behavior, the period the plan will be effective (not to exceed 45 days after the effective date of the contract) or penalties for additional absences.

3.3.3.2 School Based Community Service

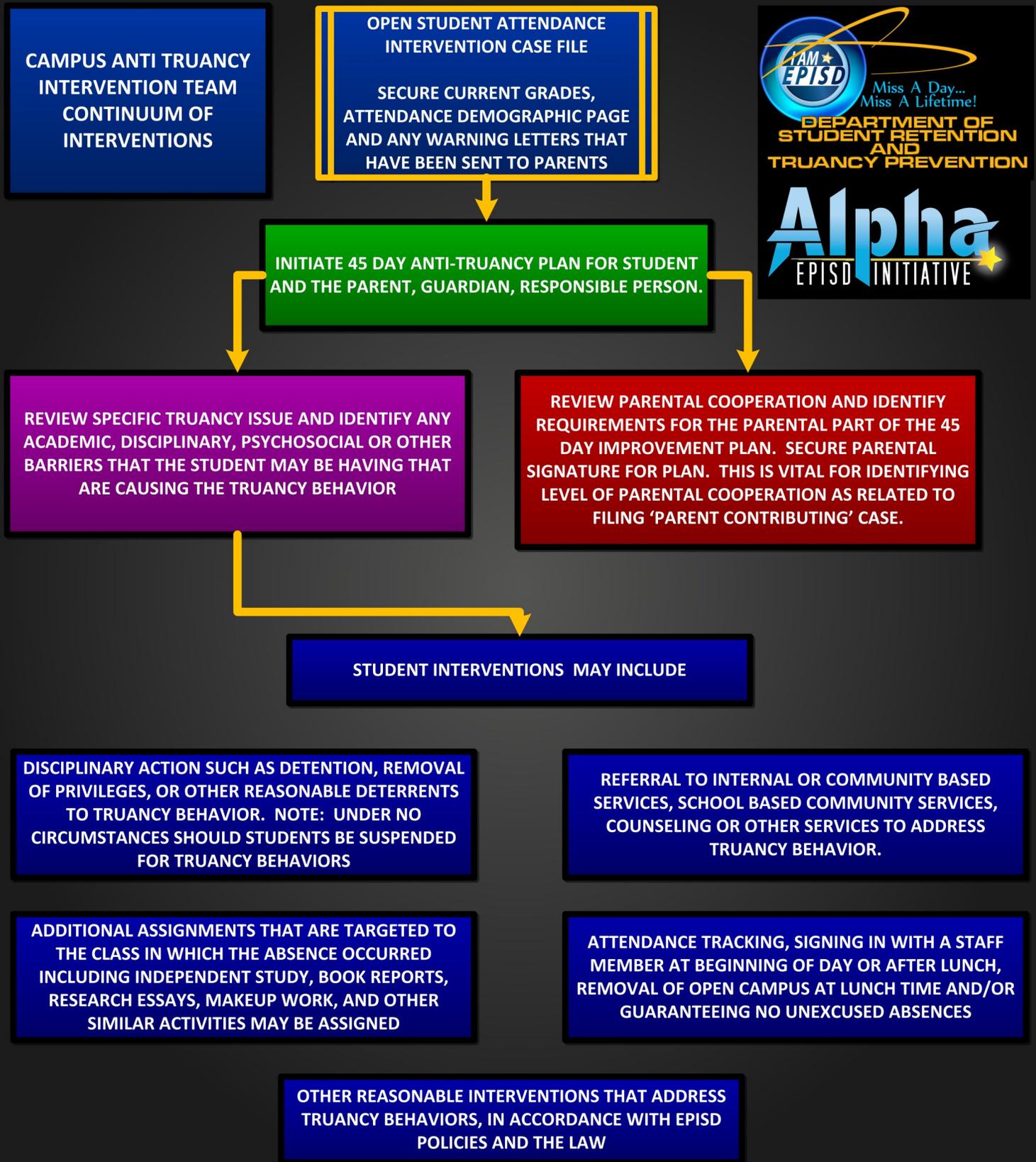
3.3.3.3 Referral to counseling, mediation, mentoring, teen court, community based services or other services to address the student's truancy.

3.3.4 TEAM COMPOSITION: Assistant Principal, Counselor, Alpha Team Member, At Risk Coordinator (if available), and/or other personnel as assigned by Principal or designee.

3.3.5 PROCESS FOR ANTI TRUANCY INTERVENTION TEAM (ATIT)

- 1. The ATIT will meet with all students and parents/responsible persons who receive a Notice of Unexcused Absence to discuss reasons from truancy and to provide barrier removal services to assist student in completing credit requirements.**
- 2. A Student Intervention File will be created. This file will hold all attendance intervention information for the student.**
- 3. A plan will be developed for the student and parent to reduce truancy behaviors. This plan will take into consideration EXTENUATING CIRCUMSTANCES and the BEST INTEREST STANDARD.**
- 4. Follow-up will be provided by the student's teachers, and ATIT members throughout the plan's timelines.**
- 5. If, after strong and repeated efforts to intervene on the school's part, the student's truancy pattern has not improved, the following will be considered:**
 - A. Court Filing against Parent .**
 - B. Truancy Court Referral for student**
 - C. Both, depending on age of student and cooperation level of parent.**

3.3.6 CONTINUUM OF INTERVENTIONS



3.3.7A 45 DAY IMPROVEMENT PLAN PAGE 1



EL PASO INDEPENDENT
SCHOOL DISTRICT

Department for Student Retention and Truancy Prevention/ The Alpha Initiative

REQUIRED 45 DAY ATTENDANCE IMPROVEMENT PLAN

Student Name	Grade Level	EPISD ID Number	Campus

IMPORTANT: This plan is effective for 45 SCHOOL days as required by law.

Start Date: _____ End Date: _____

PART 1 – ABSENCE EXCLUSIONS

Check box, attach documentation, and adjust plan accordingly if absences are as a result of :

- Student is Pregnant
- Student is in Foster Care
- Student is Homeless
- Student is Primary Income Earner For Family

If working, may we contact your employer? ____ Yes ____ No

Place of Employment: _____ Manager: _____ Phone: _____

PART 2 ATTENDANCE PROBLEMS/BEHAVIORS

Check all that apply :

- Student has frequent absences
- Student frequently comes to school late
- Student is frequently late getting to classes
- Student is frequently tardy for 1st hour
- Student frequently misses the first period, class, or approximate half hour or more of school
- Student is frequently late returning from lunch
- Student has a history of attendance problems
- Other:

Attach a copy of current student attendance record and grades.

3.3.7B 45 DAY IMPROVEMENT PLAN PAGE 2

PART 3 STUDENT ATTENDANCE IMPROVEMENT AGREEMENT

Check all that apply :

- Student will sign in at designated school location on time.
- Student will decrease number of unexcused absences.
- Student will get to all classes on time.
- Student will get to their 1st hour, class, or period on time every day.

- Student will check in with _____ on the following schedule: _____

- Student may not leave campus at lunch time. Student must report to: _____
- Other: _____

PART 4 PARENT ATTENDANCE AGREEMENT

- Parent/Guardian will ensure the student's regular and consistent attendance and punctuality.
 - Parent/Guardian will contact the school and send documentation of excused absences (document who you spoke to)
 - Parent/Guardian will monitor student's academics and attendance on EPISD Parent Portal.
 - Parent/Guardian will give school accurate address and telephone contact information and will immediately update changes.
 - Parent/Guardian will follow through with rewards and consequences for attendance and punctuality.
 - Parent/Guardian will attend all academic, attendance and behavior meetings and conferences.
 - Parent/Guardian will maintain regular communication with teachers, administrator, and school.
 - Parent/Guardian will establish and maintain a regular, consistent, and predictable morning and bedtime routine.
 - Parent/Guardian will bring the student to school on time each and every day.
 - Parent/Guardian will walk the student into the school and/or class on time.
 - Parent/Guardian will wake the student up and make they have adequate time to get to school on time every day.
 - Parent/Guardian will reinforce this Attendance Agreement with student.
 - Parent/Guardian will refuse to allow the student to come home from school unless the student is truly sick or there is a real and evident reason the student cannot remain in school.
 - Parent/Guardian will support the school when the teacher or administrator feels the student should remain in school by telling the student they cannot come home and must remain in class.
 - Parent/Guardian, using their best judgment, will make the student attend school when the student complains he/she cannot go to school for whatever reason or excuse the student may give unless there is a strong medical or other emergency reason.
 - For more extreme instances where the child refuses to attend after all other interventions have been attempted, the parent will call the school to document that the parent is doing their best to enforce this contract.
- Other: _____

STUDENT RESIDENCE VERIFICATION INFORMATION:

ADDRESS AT WHICH STUDENT RESIDES: _____

WITH WHOM DOES STUDENT RESIDE? _____

CONTACT TELEPHONE NUMBER (MUST BE WORKING NUMBER): _____

3.3.7A 45 DAY IMPROVEMENT PLAN PAGE 3

PART 5 SCHOOL BASED INTERVENTION AGREEMENT

- Refer student to Graduation Coach. (Attach contact documentation to file)
- Refer student to Alpha Initiative Team Member. (Attach contact documentation to file)
- Refer student to In School Counseling. (Attach contact documentation to file)
- Refer student to In School Resources. (Attach contact documentation to file)
- Refer student to Community Resources. (Attach referral/compliance documentation to file)
- Refer student for Disciplinary Action. (Attach documentation to file)
- Refer student/parent to Early Intervention Team, as appropriate.
- Refer to campus mentor/monitoring personnel as appropriate. (Attach contact documentation to file)
- Other:

PART 6 CONSEQUENCES FOR NON COMPLIANCE

AT SCHOOL AND HOME:

- Student will be subject to the school and class discipline policies and procedures.
- School will initiate a Residence Verification process for late arrivals or returned mail.
- Student will lose campus/class privileges.
- Student will receive detention for being late to school, tardy to classes, or absent.
- Student Transfer Request may be revoked, if applicable.
- Student will lose privileges at home for being absent, late, or tardy (no free time, video games, cellular telephone, TV etc).
- When the student is absent or late, the parent will be contacted and the student will be spoken with about the absence or tardy when they return or get to school.
- Other:

LEGAL PENALTIES:

- ED CODE 25.0915. -School District Complaint or Referral for Truancy:** If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence refer the student to truancy court.
- ED CODE 25.093- Parent Contributing to Nonattendance:** If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 65/003(a) Family Code. The parent commits an offense.

PART 7 SIGNATURES

Student Signature/Date

Parent Signature (or documentation of telephone conference)/Date

Administrator Signature/Date

Optional Committee Member/Date

** All signatures must be acquired on the day of the meeting.

3.3.7B 45 DAY PLAN REVIEW PAGE



EL PASO INDEPENDENT
SCHOOL DISTRICT

Department for Student Retention and Truancy Prevention/ The Alpha Initiative

REQUIRED 45 DAY ATTENDANCE IMPROVEMENT PLAN REVIEW MEETINGS AND RESULTS

Student Name	Grade Level	EPISD ID Number	Campus

DATE OF REVIEW	OUTCOME	WHO WAS PRESENT
DATE OF REVIEW	OUTCOME	WHO WAS PRESENT

3.3.7C 45 DAY PLAN SPANISH PAGE 1



EL PASO INDEPENDENT
SCHOOL DISTRICT

Department for Student Retention and Truancy Prevention/ The Alpha Initiative

ACUERDO DE MEJORA DE ASISTENCIA (45 DIAS)

Nombre de Alumno(a)	Grado	EPISD ID #	Escuela

IMPORTANTE: ESTE PLAN TIENE UNA VIGENCIA DE 45 DIAS ESCOLARES.

Fecha de Inicio: _____ Fecha Final: _____

PARTE 1 EXCLUSIONES DE LA AUSENCIA

Marque si las ausencias son causados por una de las razones siguientes:

- La alumna está embarazada.
- El alumno está en Cuidado Adoptivo
- El alumno(a) es sin hogar
- El alumno(a) es la principal fuente de ingresos para la familia.

¿Podemos ponernos en contacto con el empleador del alumno(a)? ____ Si ____ No

Lugar De Empleo: _____ Supervisor: _____ Número Telefónico: _____

PARTE 2 PROBLEMAS DE ASISTENCIA/COMPORTAMIENTOS

Marque todo lo que corresponda:

- Alumno(a) se ausenta con frecuencia
- Alumno(a) llega a la escuela tarde con frecuencia
- Alumno(a) llega a las clases tarde con frecuencia
- Alumno(a) falta tarde durante la primera hora del día
- Alumno(a) falta el primer periodo o más de media hora de escuela con frecuencia
- Alumno(a) regresa tarde de la hora de comer con frecuencia
- Alumno(a) tiene una historia de problemas de asistencia
- Otro:

Adjunte una copia del registro de asistencia y calificaciones del alumno(a)

3.3.7C 45 DAY PLAN SPANISH PAGE 2

PARTE 3 ACUERDO DEL MEJORAMIENTO DE ASISTENCIA ESTUDIANTIL

Marque todo lo que corresponda:

- Alumno(a) vendrá a la escuela a tiempo.
 Alumno(a) disminuirá el número de ausencias injustificadas.
 Alumno(a) llegará a tiempo a todas las clases.
 Alumno(a) se reportará a _____ en el siguiente horario: _____.
 Alumno(a) no puede salir de la escuela a la hora de comer. Se reportará a: _____
 Condiciones adicionales: _____

PARTE 4 REQUISITOS PARA LOS PADRES DE FAMILIA

- Padres/tutores asegurarán que el alumno(a) esté en la escuela a tiempo todos los días.
 Padres/tutores llamarán a la escuela para justificar las ausencias, documentarán el nombre de la persona a la que se informó de las ausencias y enviarán la documentación de las ausencias justificadas.
 Padres/tutores revisarán el progreso académico y la asistencia de su hijo(a) en el EPISD Portal de Padres.
 Padres/tutores asegurarán que la escuela tiene la dirección y el número de teléfono correcto en el expediente del alumno y actualizará esta información tan pronto como se cambia.
 Padres/tutores implementarán recompensas y consecuencias con su hijo(a) para la asistencia.
 Padres/tutores asistirán a todas las reuniones con personal de la escuela para discutir la asistencia, el comportamiento y el progreso académico de su hijo(a).
 Padres/tutores comunicarán frecuentemente con los maestros, administradores y otro personal escolar.
 Padres/tutores establecerán una rutina por mañana consistente y previsible para su hijo(a) para llegar a la escuela a tiempo todos los días.
 Padres/tutores traerán su hijo(a) a la escuela a tiempo todos los días.
 Padres/tutores acompañarán a su hijo(a) a la escuela y/o a las clases a tiempo.
 Padres/tutores cumplirán este Acuerdo de Asistencia con su hijo(a).
 Padres/tutores no permitirán que su hijo(a) esté ausente de la escuela a menos que su hijo(a) está enfermo(a) o si hay una razón legítima para que su hijo(a) esté ausente.
 En casos extremos en que su hijo(a) se niega a ir a la escuela después de que los padres/tutores han intentado todo para que su hijo(a) asiste, los padres/tutores llamarán a la escuela para documentar que han hecho todo lo posible para hacer cumplir este acuerdo.

Condiciones adicionales:

INFORMACIÓN DE VERIFICACIÓN DE RESIDENCIA:

DIRECCIÓN DONDE VIVE EL ALUMNO(A): _____

¿CON QUIEN VIVE EL ALUMNO(A)? _____

NUMERO TELEFONICO (NO DEBE SER DESCONECTADO): _____

PARTE 5 ACUEDRO DE INTERVENCIÓN ESCOLAR
--

- Referencia al Coordinador de Estudiantes En Riesgo. (Adjunte la documentación)
- Referencia a la Iniciativa "Alpha." (Adjunte la documentación)
- Referencia al Consejero. (Adjunte la documentación)
- Referencia a Recursos Escolares. (Adjunte la documentación)
- Referencia a Recursos de la Comunidad. (Adjunte la documentación)
- Referencia para Acción Disciplinaria. (Adjunte la documentación)
- Referencia al Comité de la Intervención Temprana/Comité de Revisión de Asistencia.
- Referencia al programa de mentores. (Adjunte la documentación)
- Intervenciones adicionales:

PARTE 6 CONSECUENCIAS POR LA FALTA DE CUMPLIMIENTO

EN LA ESCUELA Y EN LA CASA:

- El alumno(a) será sujeto a las normas de disciplina y procedimientos escolares.
- La escuela iniciará procedimientos para la verificación de residencia si hay llegadas tardías o correo postal que se devuelve a la escuela marcada "no se puede entregar.
- El alumno(a) perderá los privilegios en la escuela/clase.
- El alumno(a) será asignado a la detención por problemas con la asistencia.
- El Permiso de Transferencia De la Escuela podría ser revocado.
- El alumno(a) perderá los privilegios en casa. (juegos de vídeo, el uso del teléfono celular, etc).
- Padres/tutores serán contactados cada vez que el alumno(a) llegue tarde a la escuela/clases o está ausente de clases. .
- Otras Consecuencias:

SANCIONES LEGALES:

- COGIDO EDUCACIONAL DE TEXAS 25.0915. –Referencia a la Corte:** Si un estudiante falta de asistir a la escuela sin excusa por diez o más días o partes de días dentro de un período de seis meses en el mismo año escolar, el distrito escolar deberá , dentro de los diez días escolares de décimo ausencia del estudiante, referir al estudiante a la corte del absentismo escolar.
- CODIGO EDUCACIONAL DE TEXAS 25.093- Padres Contribuyen A La No-Asistencia:** Si se emite una advertencia como lo requiere la Sección 25.095 (a), el padre con negligencia criminal deja de requerir que el niño asista a la escuela como lo requiere la ley, y el niño tiene ausencias por la cantidad de tiempo especificado en la Sección 65/003 (A) Código Familiar de Texas, el padre comete un delito.

PARTE 7 FIRMAS

Firma del Alumno(a)/Fecha

Firma de Padres (o conferencia telefónica) /Fecha

Firma de Administrador/ Fecha

Miembro del Comité Opcional / Fecha

*Se deben conseguir todas las firmas el dia de la junta.

3.3.7D 45 DAY PLAN REVIEW SPANISH



EL PASO INDEPENDENT
SCHOOL DISTRICT

Department for Student Retention and Truancy Prevention/ The Alpha Initiative

ACUERDO DE MEJORA DE ASISTENCIA (45 DIAS) RESUMEN DE PROGRESO

Nombre de Alumno(a)	Grado	EPISD ID #	Escuela

FECHA	RESULTADOS	PRESENTE

3.3.8A REQUIRED COVER PAGES

PAGE 1



EL PASO INDEPENDENT
SCHOOL DISTRICT

The Alpha Initiative
Department for Student Retention and Truancy Prevention

900 S. Cotton
El Paso, TX 79901
Phone (915) 230-2095
Fax (915) 230-0099
www.episd.org

COVER PAGE

Campus: _____

Assistant Principal: _____

Campus Phone: _____

Cell Phone: _____

Student Name: _____ DOB _____

Student ID Number: _____

Father: _____ DOB: _____

Address: _____ ZIP Code: _____

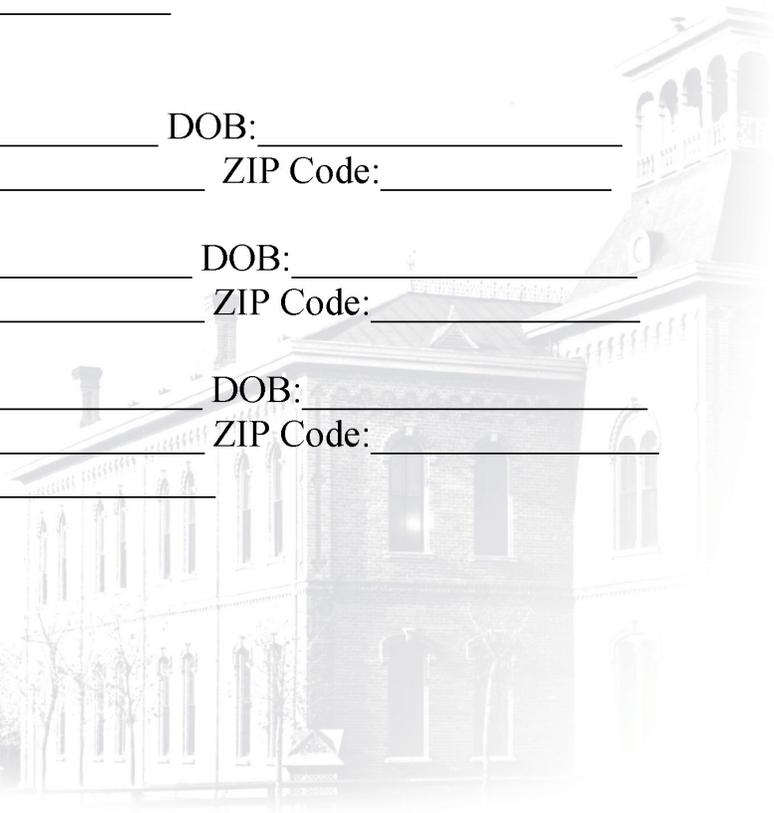
Mother: _____ DOB: _____

Address: _____ ZIP Code: _____

Guardian: _____ DOB: _____

Address: _____ ZIP Code: _____

Relationship: _____



3.3.8A REQUIRED COVER PAGES PAGE 2

COVER SHEET FOR STUDENT REFERRAL TO TRUANCY COURT

IN THE JUSTICE COURT PRECINCT ___ OF EL PASO COUNTY, TEXAS

Name of Student: _____ DOB _____

Verified Address of student: _____

Name of Mother: _____

Address of mother: _____

Name of father: _____

Address of father: _____

Name of person standing in parent's place: _____

Address of person standing in parent's place: _____

Name of School: _____

Name of Administrator: _____ Cell Phone: _____

The above named student while required to attend school under Section 25.085 of the Texas Education Code did fail to attend school on ten or more days or parts of days within a six month period in the same school year.

Day 1 _____, 201__ ___ All Day; Periods _____

Day 2 _____, 201__ ___ All Day; Periods _____

Day 3 _____, 201__ ___ All Day; Periods _____

Day 4 _____, 201__ ___ All Day; Periods _____

Day 5 _____, 201__ ___ All Day; Periods _____

Day 6 _____, 201__ ___ All Day; Periods _____

Day 7 _____, 201__ ___ All Day; Periods _____

Day 8 _____, 201__ ___ All Day; Periods _____

Day 9 _____, 201__ ___ All Day; Periods _____

Day 10 _____, 201__ ___ All Day; Periods _____

Day 11 _____, 201__ ___ All Day; Periods _____

Day 12 _____, 201__ ___ All Day; Periods _____

Attached (1) CERTIFYING STATMENET AS REQUIRED BY 25.0915(B) Ed. Code (2) Copy of Behavior Improvement Plan or other steps taken under 25.0915 Ed. Code (3) current attendance.

3.3.8B CERTIFYING STATEMENT PAGE 1



**EL PASO INDEPENDENT
SCHOOL DISTRICT**

SCHOOL: _____

FORM REFERENCE NUMBER: TRCERT-1

Department for Student Retention and Truancy Prevention - The Alpha Initiative

TRUANCY PREVENTION MEASURES CERTIFYING STATEMENT

STUDENT/PARENT INFORMATION	CURRENT GRADE	EPISD IDENTIFICATION NUMBER
	_____	_____

STUDENT NAME (LAST, FIRST, MI)	AGE	STUDENT BIRTHDATE
_____	_____	_____

PARENT(S) /RESPONSIBLE PERSON(S) NAME	DOB	CONTACT TELEPHONE NUMBER
_____	_____	_____

NOTICE AND CONTACT INFORMATION	NOTICE OF ABSENCE SENT BY USPS ON (DATE):

DATE OF CONTACT:	TYPE:	DATE OF CONTACT:	TYPE:
_____	--- SELECT FROM BELOW ---	_____	--- SELECT FROM BELOW ---

DATE OF CONTACT:	TYPE:	DATE OF CONTACT:	TYPE:
_____	--- SELECT FROM BELOW ---	_____	--- SELECT FROM BELOW ---

OTHER CONTACT:

STUDENT INTERVENTION MEASURES	START DATE:

--- SELECT FROM BELOW ---	DATE	--- SELECT FROM BELOW ---	DATE

--- SELECT FROM BELOW ---	DATE	--- SELECT FROM BELOW ---	DATE

--- SELECT FROM BELOW ---	DATE	--- SELECT FROM BELOW ---	DATE

OTHER INTERVENTION:

3.3.8B CERTIFYING STATEMENT PAGE 2

SCHOOL: _____ FORM REFERENCE NUMBER: TRCERT-1
--

TRUANCY PREVENTION MEASURES CERTIFYING STATEMENT

STUDENT	STUDENT NAME (LAST, FIRST, MI) _____
----------------	---

CASE SUMMARY

CERTIFYING STATEMENT

The school has applied the truancy prevention measures described in this document. These truancy prevention measures failed to meaningfully improve the student's school attendance.

ADMINISTRATOR NAME:	_____
---------------------	-------

TITLE/POSITION	_____
----------------	-------

SIGNATURE	_____	DATE	_____
-----------	-------	------	-------

SECTION 4.0

APPENDIX A

DISTRICT ATTORNEY OFFICE GUIDE FOR TRUANCY AND PARENT CONTRIBUTING CASES

GUIDE FOR TRUANCY AND PARENT CONTRIBUTING CASES 2015

COMPILED BY

**ADA ANN WARD
AWARD@EPCOUNTY.COM**

AND

**ADA MATT MOORE
MMOORE@EPCOUNTY.COM**



**JAIME ESPARZA
DISTRICT ATTORNEY
34TH JUDICIAL DISTRICT
915-546-2059**

TABLE OF CONTENTS

OVERVIEW OF NEW PROCEDURES IN TRUANCY COURT	3
TRUANCY COURT TIMELINE.....	4
LIST OF DOCUMENTS NEEDED WHEN FILING PARENT CONTRIBUTING CASES OR WHEN REFERRING TRUANCY CASES TO A TRUANCY COURT	5
§ 25.087. ED CODE - EXCUSED ABSENCES	6
§ 25.0915. ED CODE - TRUANCY PREVENTION MEASURES	7
§ 25.093. ED CODE - PARENT CONTRIBUTING TO NONATTENDANCE	9
§ 65.003. FAM CODE - TRUANT CONDUCT.....	10
§ 25.095. ED CODE - WARNING NOTICES.....	10
§ 25.0951. ED CODE - SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR TRUANCY	11
§ 25.0952. ED CODE - PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NON ATTENDANCE OFFENSE.....	11
§65.103. FAM CODE - REMEDIAL ORDER.....	12
§65.105. FAM CODE - ORDERS AFFECTING PARENTS AND OTHERS.....	13
COPY OF CONFERENCE/WARNING LETTER (ENGLISH).....	14
COPY OF CONFERENCE/WARNING LETTER (SPANISH).....	15
COVER SHEET FOR STUDENT REFERRAL TO TRUANCY COURT	16
COPY OF PARENT COMPLAINT FORM.....	17
MEMO REQUEST FOR DISMISSAL.....	18

OVERVIEW OF NEW PROCEDURES IN TRUANCY COURT

PARENT CONTRIBUTING:

- Can no longer file on three or more days or parts of days within a four week period.
- Must send out warning letter or conference letter after the third unexcused absence
- Must take one or more actions described in 25.0915 Education Code: such as create a Truancy Prevention Plan with the parent (if elementary school) or parent and student (Middle and High School)
- If the plan is working, the case should never be filed in court.
- When the school determines the plan is not working anytime during the 45 days it shall IMMEDIATELY file if there are ten or more days or parts of days within a six-month period and the absences are unexcused. The ten day statute of limitations is still in effect so the filing must be no later than the 10th day after the 10th absence.

STUDENT REFERRAL TO TRUANCY COURT:

- School can no longer file a criminal complaint against the child (child is now defined for referral to Truancy Court as someone is at least 12 years old who has not reached his/her 19th birthday). The procedure is civil
- School must create a truancy prevention plan with the student and parent or take other actions described in 25.0915 Education Code.
- If the unexcused absences continue and there are ten or more days within a six month period, then the school must refer the child to a Truancy Court by completing and submitting a “Student Referral Form” (see page 16)
- The prosecutor will review the Referral Form and all attached documentation. If the Prosecutor decides to go forward with the case, he files a petition with the Truancy Court and the court hears the case. If the court makes a finding the child is truant, the court must create a remedial order for the child. The child must comply with the order. If he doesn’t he can be held in Contempt of Court and fined \$100. After two Contempt of Court findings the case may be referred to the JPD.

TRUANCY COURT TIMELINE

PARENT CONTRIBUTING TO NON-ATTENDANCE:

- Make sure parent is aware of school attendance law at the beginning of the year. This can be through the handbook. Please note that the law now requires a parent to monitor a child's attendance.
- After three absences within a four week period the school must send a letter to the parent (1) notifying the parent of the absences and inform the parent it is the parent's duty to monitor the student's school attendance and require the student to attend school (2) that the student is subject to truancy prevention measures and (3) request a conference between a school official and the parent to address absences. Ed Code 25.095(b)
- If the truancy measures that are in place are not working, then the school must file a complaint with a truancy court within ten days of the tenth absence.

REFERRAL OF STUDENT TO TRUANCY COURT:

- If the child misses three or more days or parts of days within a four week period, the school must develop a plan to deal with the truant behavior (Ed Code 25.0915).
- If the school has the child sign a Behavior Improvement Plan, under Ed Code 25.0915 (a-1) (a), that can not last longer than 45 days, the school must monitor the attendance. If the plan is working the school does not have to refer a child to truancy court but if the plan is not working (and that would easily be indicated by the student having ten or more days or parts of days with unexcused absences), then a referral must be made.
- The referral must be submitted to the proper truancy court using the referral form in the packet with the attached documentation. (see page 16)
- The prosecutor must promptly review the documentation and decide whether to file a petition to have the student adjudicated truant. The petition must be filed by the prosecutor before the 45th day of the last absence. Fam Code 65.055.
- After the petition has been filed the Truancy court shall set a date and time for a hearing. The hearing may not be held on or before the 10th day after the day the petition is filed (Fam Code 65.056(b)).
- The Truancy Court shall issue summons for the parties to appear.
- The Truancy Court shall hold an Adjudication Hearing. After the hearing if the court finds the child has engaged in truant conduct, the court shall proceed to issue a judgment finding the child has engaged in truant conduct and order the remedies the court finds appropriate under Fam Code 65.103 considering the best interests of the child. (Fam Code 65.101(h))
- The child shall comply with the Remedial Order – if the child doesn't he will be held in contempt of court.

LIST OF DOCUMENTS NEEDED WHEN FILING PARENT CONTRIBUTING CASES OR WHEN REFERRING TRUANCY CASES TO A TRUANCY COURT

WHAT THE PROSECUTOR NEEDS FROM THE SCHOOL DISTRICT

1. The Administrators and Attendance clerks have knowledge and proficiency with the Filing Requirements in the Education Code: Ed. Code 25.085, Ed. Code 25.087, Ed Code 25.0915, Ed Code 25.093, Ed. Code 25.095, Ed Code 25.0951, Ed. Code 25.0952,
2. A copy of the General Truancy Prevention Plan as required in Ed Code 25.0915(a).
3. The phone number and name of the person at the School District level responsible specifically for the Parent Contributing filings and Truancy Court referrals.

DOCUMENTS NEEDED WHEN FILING A COMPLAINT FOR PARENT CONTRIBUTING TO NON-ATTENDANCE WITH A TRUANCY COURT

1. The Specific Complaint (Parent Contributing – only one defendant per complaint i.e. if you file on both parents there must be two complaints)
2. A statement certifying that the school applied the truancy prevention measures required and they failed.
3. A copy of the student’s attendance record at the time of filing
4. A copy of the warning letter sent to the parents
5. A good address and phone number for the parent(s)so that the court can summon them to court.

DOCUMENTS NEEDED WHEN REFERRING A CHILD TO A TRUANCY COURT UNDER ED. CODE 25.0915

The documents you must submit are listed at the bottom of the Referral Cover Sheet page 16

DOCUMENTS NEEDED WHEN COMING TO COURT ON A PARENT CONTRIBUTING TO NON-ATTENDANCE CASE

1. Results of the warning letter (i.e. did parent contact school, who did he/she talk to – what happened as a result- specifically a contract with student, parent, school etc.) and/or any effort by the school regarding contact with the parent (i.e. address verification)
2. Current attendance and grades and any discipline issues of the child

DOCUMENTS NEEDED WHEN COMING TO COURT ON A TRUANCY CASE

1. Copy of all truancy prevention measures attempted as well as results of any Behavior Improvement Plan
2. Copy of current attendance, grades and any discipline matters
3. Anything else that would be helpful to the court in making a finding of truancy.

§ 25.087. ED CODE - EXCUSED ABSENCES

- a) A person required to attend school, including a person required to attend school under Section 25.085. may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled.
- b) A school district shall excuse a student from attending school for:
 - (1) the following purposes, including travel for those purposes:
 - i. observing religious holy days;
 - ii. attending a required court appearance;
 - iii. appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;
 - iv. taking part in a United States naturalization oath ceremony; or
 - v. serving as an election clerk; or
 - (2) a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment.
- (b-2) A school district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:
 - (1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
 - (2) the district adopts:
 - i. a policy to determine when an absence will be excused for this purpose; and
 - ii. a procedure to verify the student's visit at the institution of higher education.
- (b-3) A temporary absence for purposes of Subsection (b)(2) includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health care practitioner, as described by Section 1355.015(b), Insurance Code, to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.
- (c) A school district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran.
- (d) A student whose absence is excused under Subsection (b), or (b-2), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), or (b-2), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

§ 25.0915. ED CODE - TRUANCY PREVENTION MEASURES

REFERRAL AND FILING REQUIREMENT

- (a) A school district shall adopt truancy prevention measures designed to:
 - (1) address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003 (a) Family Code; and;
 - (2) minimize the need for referrals to truancy court for conduct described by Section 65.003 (a). Family Code:
- (a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:
 - (1) impose:
 - (A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:
 - (i) a specific description of the behavior that is required or prohibited for the student;
 - (ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or
 - (iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
 - (B) school based community service; or
 - (2) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.
- (a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.
- (a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:
 - (1) pregnancy
 - (2) being in the state foster program
 - (3) homelessness; or
 - (4) being the principal income earner for the student's family
- (a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.
- (b) Each referral to truancy court for conduct described by Section 65.003(a), Family Code must:
 - (1) be accompanied by a statement from the student's school certifying that:
 - (A) the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and
 - (B) the truancy prevention measures failed to meaningfully address the student's school attendance; and
 - (2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

- (c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054 Family Code if the court determines that the school district's referral:
 - (1) does not comply with subsection (b);
 - (2) Does not satisfy the elements required for truant conduct
 - (3) is not timely filed, unless the school district delayed the referral under section 25.0951(d); or
 - (4) is otherwise substantively defective.
- (d) Except as provided by subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measure required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.
- (e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures as determined by the school district or campus.
- (f) the agency shall adopt rules:
 - (1) Creating minimum standards for truancy prevention measures adopted by a
 - (2) School district under this section: and
- (g) (2)The agency shall adopt rules to provide for sanctions for a school district
 - (1) Found to be not in compliance with this section.

§ 25.093. ED CODE - PARENT CONTRIBUTING TO NONATTENDANCE

If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 65.003(a) Family Code. the parent commits an offense.

- (a) The attendance officer or other appropriate school official shall file a complaint against the parent in:
 - (1) the constitutional county court of the county in which the parent resides or in which the school is located, if the county has a population of 1.75 million or more;
 - (2) a justice court of any precinct in the county in which the parent resides or in which the school is located; or
- (b) a municipal court of the municipality in which the parent resides or in which the school is located.
- (c) An offense under Subsection (a) is a misdemeanor punishable by fine only, in an amount not to exceed:
 - (1) \$100 for a first offense
 - (2) \$200 for a second offense
 - (3) \$300 for a third offense
 - (4) \$400 for a fourth offense
 - (5) \$500 for a fifth offense
- (c-1) Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051. Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.
- (d) A fine collected under this section shall be deposited as follows:
 - (1) one-half shall be deposited to the credit of the operating fund of, as applicable:
 - (A) the school district in which the child attends school;
 - (B) the open-enrollment charter school the child attends; or
 - (C) the juvenile justice alternative education program that the child has been ordered to attend; and
 - (2) one-half shall be deposited to the credit of:
 - (A) the general fund of the county, if the complaint is filed in the justice court or the constitutional county court; or
 - (B) the general fund of the municipality, if the complaint is filed in municipal court.
- (e) At the trial of any person charged with violating this section, the attendance records of the child may be presented in court by any authorized employee of the school district or open-enrollment charter school, as applicable.
- (f) The court in which a conviction, deferred adjudication, or deferred disposition for an offense under Subsection (a) occurs may order the defendant to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the students' unexcused absences and in developing strategies for resolving those problems if a program is available.
- (g) If a parent refuses to obey a court order entered under this section, the court may punish the parent for contempt of court under Section 21.002. Government Code.

- (h) It is an affirmative defense to prosecution for an offense under Subsection (a) that one or more of the absences required to be proven under Subsection (a) was excused by a school official or should be excused by the court. The burden is on the defendant to show by a preponderance of the evidence that the absence has been or should be excused. A decision by the court to excuse an absence for purposes of this section does not affect the ability of the school district to determine whether to excuse the absence for another purpose.
- (i) In this section, "parent" includes a person standing in parental relation.

§ 65.003. FAM CODE - TRUANT CONDUCT

- (a) a child engages in truant conduct if the child is required to attend school under Sec 25.085 , Education Code, and fails to attend school on 10 or more days or parts of days within a six month period in the same school year.
- (b) Truant conduct may only be prosecuted as a civil case in a truancy court
- (c) It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this subsection does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

§ 25.095. ED CODE - WARNING NOTICES

- (a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year :
 - (1) the student's parent is subject to prosecution under Section 25.093; and
 - (2) the student is subject to referral to a truancy court for truant conduct under Section 65.003 (a), Family Code.
- (b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087. on three days or parts of days within a four-week period. The notice must:
 - (1) inform the parent that:
 - (A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and
 - (B) the student is subject to truancy prevention measures under Section 25.0915 and
 - (2) request a conference between school officials and the parent to discuss the absences.
- (c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense under Section 25.093 or under Section 65.003(a) Family Code.
- (d) In this section, "parent" includes a person standing in parental relation.

§ 25.0951. ED CODE - SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR TRUANCY

- (a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Section 65.003 (a) Family Code.
- (b) (b) If a student fails to attend school without excuse as specified by Subsection (a), a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence. In this subsection, "parent" includes a person standing in parental relation..
- (c) A court shall dismiss a complaint made by a school district under Subsection (b) that:
 - (1) Does not comply with this section
 - (2) Does not allege the elements required for this offense;
 - (3) Is not timely filed, unless the school district delayed the referral under subsection (d) or
 - (4) Is otherwise substantively defective
- (d) Notwithstanding Subsection (a) , a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct , if the school district:
 - (1) is applying truancy prevention measures to the student under Section 25.0915; and
 - (2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

§ 25.0952. ED CODE - PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NON ATTENDANCE OFFENSE

In a proceeding based on a complaint under Section 25.093 the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45, Code of Criminal Procedure.

§65.103. FAM CODE - REMEDIAL ORDER.

- (a) A truancy court may enter a remedial order requiring a child who has been found to have engaged in truant conduct to:
- (1) attend school without unexcused absences
 - (2) attend a preparatory class for the high school equivalency examination administered under Section 7.111 Education Code, if the court determines that the individual is unlikely to do well in a formal classroom environment due to the individual's age;
 - (3) if the child is at least 16 years of age, take the high school equivalency examination administered under Section 7.111 Education Code, if that is in the best interest of the child;
 - (4) attend a non-profit, community based special program that the court determines to be in the best interest of the child, including:
 - (A) an alcohol and drug abuse program
 - (B) a rehabilitation program
 - (C) a counseling program, including a self-improvement program
 - (D) a program that provides training in self-esteem and leadership
 - (E) a work and job skills training program
 - (F) a program that provides training in parenting, including parental responsibility
 - (G) a program that provides training in manners
 - (H) a program that provides training in violence avoidance
 - (I) a program that provides sensitivity training; and
 - (J) a program that provides training in advocacy and mentoring.
 - (5) complete not more than 50 hours community service on a project acceptable to the court
 - (6) participate for a specified number of hours in a tutorial program covering the academic subjects in which the child is enrolled that are provided by the school the child attends.
- (b) A truancy court may not order a child who has been found to have engaged in truant conduct to:
- (1) attend a juvenile justice alternative education program, a boot camp, or a for-profit truancy class. or
 - (2) perform more than 16 hours of community service per week under this section.
- (c) In addition to any other order authorized by this section, a truancy court may order the Department of Public Safety to suspend the driver's license or permit of a child who has been found to have engaged in truant conduct. If the child does not have a driver's license or permit, the court may order the Department of Public Safety to deny the issuance of a license or permit to the child. The period of the license or permit suspension or the order that the issuance of a license or permit be denied may not extend beyond the maximum time period that a remedial order is effective as provided by Section 65.104.

§65.105. FAM CODE - ORDERS AFFECTING PARENTS AND OTHERS

- (a) If a child has been found to engage in truant conduct, the truancy court may:
- (1) order the child and the child's parent to attend a class for students at risk of dropping out of school that is designed for both the child and the child's parent.
 - (2) order any person found by the court to have , by a willful act or omission, contributed to, caused, or encouraged the child's truant conduct to do any act that the court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the court determines to be injurious to the child's welfare.
 - (3) enjoin all contact between the child and a person who is found to be a contributing cause of the child's truant conduct , unless that person is related to the child within the third degree of consanguinity or affinity, in which case the court may contact the Department of Family and Protective Services, if necessary.
 - (4) After notice to, and a hearing with, all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the child's rehabilitation;
 - (5) order the child's parent or other person responsible for the child's support to pay all or part of the reasonable cost of treatment programs in which the child is ordered to participate if the court finds the child's parent or person responsible for the child's support is able to pay the costs.
 - (6) order the child's parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist these parents in identifying problems that contribute to the child's unexcused absences and in developing strategies for resolving those problems; and
 - (7) order the child's parent to perform not more than 50 hours of community service with the child.
- (b) A person subject to an order proposed under Subsection (a) is entitled to a hearing before the order is entered by the court.
- (c) On a finding by the court that a child's parents have made a reasonable good faith effort to prevent the child from engaging in truant conduct and that, despite the parents' efforts the child continues to engage in truant conduct, the court shall waive any requirement for community service that may be imposed under this section.

COPY OF CONFERENCE/WARNING LETTER (ENGLISH)

August 28, 2015

Mr. Carlos Gomez
Ms. Carol Gomez
4621 Pershing Drive
El Paso, Texas 79903

RE: Student: Walter Gomez
Date of Birth: February 1, 1992

Dear Mr. and Mrs. Gomez:

I am sure you are aware of how important it is that you child receive a quality education. However, you may be unaware that it is your duty to monitor your child's attendance and make sure he/she is in school each and every day, in class and on time. Failure to do so could result in a criminal case being filed against you in Truancy Court. In addition if your child is 12 years old and younger than 19 he/she is subject to truancy prevention measures and could be referred to a Truancy Court.

School records at Austin High for the 9th grade indicate that your child, Walter Gomez, has had unexcused absences on:

08/24/15 08/25/15 08/26/15

Please consider this letter a warning. Should your child receive additional unexcused absences a criminal charge may be filed against you, the parent, and prosecuted by the District Attorney's office. Please contact your child's school immediately upon receipt of this letter to schedule a conference with school administration to discuss your child's unexcused absences. Failure to schedule a conference may result in filing a criminal charge in JP court and may serve as evidence of failure to require attendance.

Respectfully,

Assistant Principal
El Paso County, Texas

COPY OF CONFERENCE/WARNING LETTER (SPANISH)

Agosto 28, 2015

Sr. Carlos Gómez
Sra. Carol Gómez
4621 Pershing Drive
El Paso, Texas 79903

Ref: Alumno Walter Gómez
Fecha de Nacimiento: Febrero 1º, 1992

Estimados Sr. y Sra. Gómez:

Estoy seguro de que ustedes están conscientes de qué tan importante es que su hijo reciba una educación de calidad. Sin embargo, es posible que usted desconozca que es su deber vigilar la asistencia a clases de su hijo/a y asegurarse de que se presente a clases diariamente y a tiempo. El no hacerlo puede tener como resultado que se presenten cargos criminales contra usted ante la Corte de Absentismo Escolar. Además, si su hijo cuenta con 12 años de edad y es menor de 19 años, su hijo/a está sujeto/a a que se apliquen medidas de prevención y que sea referido/a a la Corte de Absentismo Escolar.

El expediente de 9º grado de la Preparatoria Austin indica que su hijo, Walter Gómez faltó a la escuela sin justificación válida en las siguientes fechas:

08/24/15 08/25/15 08/26/15

Por favor considere esta carta como una notificación oficial. Si su hijo vuelve a faltar injustificadamente a la escuela, es posible que la escuela presente cargos criminales contra usted y puede ser procesado por la Oficina del Fiscal de Distrito.

Por favor comuníquese inmediatamente a la escuela de su hijo/a después de recibir esta carta, para hacer una cita con la administración para discutir las ausencias injustificadas de su hijo/a.

El no programar dicha conferencia puede tener como resultado que se presenten cargos ante la Corte del Juez de Paz y este hecho puede ser usado como evidencia de no exigir la asistencia de su hijo/a a clases.

Respetuosamente

Subdirector
Condado de El Paso, Texas

COVER SHEET FOR STUDENT REFERRAL TO TRUANCY COURT

IN THE JUSTICE COURT PRECINCT ___ OF EL PASO COUNTY, TEXAS

Name of Student: _____ DOB _____

Verified Address of student: _____

Name of Mother: _____

Address of mother: _____

Name of father: _____

Address of father: _____

Name of person standing in parent's place: _____

Address of person standing in parent's place: _____

Name of School: _____

Name of Administrator: _____ Cell Phone: _____

The above named student while required to attend school under Section 25.085 of the Texas Education Code did fail to attend school on ten or more days or parts of days within a six month period in the same school year.

Day 1 _____, 201__ ___ All Day; Periods _____

Day 2 _____, 201__ ___ All Day; Periods _____

Day 3 _____, 201__ ___ All Day; Periods _____

Day 4 _____, 201__ ___ All Day; Periods _____

Day 5 _____, 201__ ___ All Day; Periods _____

Day 6 _____, 201__ ___ All Day; Periods _____

Day 7 _____, 201__ ___ All Day; Periods _____

Day 8 _____, 201__ ___ All Day; Periods _____

Day 9 _____, 201__ ___ All Day; Periods _____

Day 10 _____, 201__ ___ All Day; Periods _____

Day 11 _____, 201__ ___ All Day; Periods _____

Day 12 _____, 201__ ___ All Day; Periods _____

Attached (1) CERTIFYING STATMENET AS REQUIRED BY 25.0915(B) Ed. Code (2) Copy of Behavior Improvement Plan or other steps taken under 25.0915 Ed. Code (3) current attendance.

COPY OF PARENT COMPLAINT FORM

IN THE JUSTICE COURT OF EL PASO COUNTY, TEXAS

PRECINCT NUMBER _____

State of Texas)
)
 vs.) No. _____
)
 _____)

COMPLAINT

In the Name and by the Authority of the State of Texas, I _____, do solemnly swear that I have good reason to believe that heretofore, to-wit: that on or about the _____ day of _____, 20__, (date of child's last absence) in the County of El Paso, State of Texas, _____ hereinafter referred to as Defendant, the parent or person standing in parental relation of _____, a child, who is required to attend school under Section 25.085 of the Texas Education Code did with criminal negligence fail to require the child to attend school as required by law and the child has unexcused absences for all or part of the following

Ten or more days or parts of a day within a six month period:

Day 1 _____, 201__ ___ All Day; Periods _____
 Day 2 _____, 201__ ___ All Day; Periods _____
 Day 3 _____, 201__ ___ All Day; Periods _____
 Day 4 _____, 201__ ___ All Day; Periods _____
 Day 5 _____, 201__ ___ All Day; Periods _____
 Day 6 _____, 201__ ___ All Day; Periods _____
 Day 7 _____, 201__ ___ All Day; Periods _____
 Day 8 _____, 201__ ___ All Day; Periods _____
 Day 9 _____, 201__ ___ All Day; Periods _____
 Day 10 _____, 201__ ___ All Day; Periods _____

Against the peace and dignity of the State.

Affiant

El Paso County, Texas
 Sworn to and subscribed
 before me the undersigned
 authority on _____

Notary Public, State of Texas

MEMO REQUEST FOR DISMISSAL

MEMO

To: Assistant District Attorney
{Matt Moore (mmoore@epcounty.com) or Ann Ward (award@epcounty.com)}

Re: Request for Dismissal

Date: _____

I, (print name) _____, Principal or Assistant Principal of
_____ school

request the Assistant District Attorney to ask the Judge of the Justice of the Peace Court number ____ to
dismiss the case against _____ (print name of defendant).

The Defendant is charged with: _____

I wish to have the case dismissed because:

_____ The plead absences have been corrected or several of the plead absences have been corrected
and there are no longer enough days plead for the Court to proceed.

_____ The parent has come to the school, signed a contract, two months have elapsed and the
student has had no more unexcused absences or tardies.

_____ The student has signed a contract with the school, two months have elapsed and the student
has had no more unexcused absences or tardies.

_____ The student has moved out of the jurisdiction, this has been verified by the Truant officer
and/or school records have been requested from the new school.

_____ The student was charged with a Class C citation for _____ and the
case has been satisfactorily handled administratively

_____ Other – Please give a complete description of the reason(s) requested _____

Respectfully submitted,

_____ (title) _____ phone number

