

KNOW YOUR RIGHTS FACT SHEET

Status Offenses: Truancy



What is truancy?

In legal terms truancy is a label for students who have so many unexcused absences it triggers a court referral.

Who do truancy laws apply to:

Varies by state but typically truancy laws apply to any child who is enrolled in kindergarten or between the ages of 6 and 17.

How many unexcused absences rise to the level of a student being truant?

It depends for example in Alabama, 7 unexcused absences trigger a complaint filed in court and in Kentucky after 3 unexcused absences you are truant.

Causes of truancy include:

Transportation issues; physical health problems, including lack of sleep; adverse school environment, such as bullying; homelessness or unstable living situations; academic problems; neglect by caregivers; mental health or substance abuse issues of caregivers or the student; general lack of resources causing a dysfunctional home environment.

Helping Youth Avoid Truancy: Colorado's Lighthouse Project is a good example of a diversion program for truant youth to avoid the criminal legal system through supportive counseling, tutoring, mentoring, and experiences such as campus tours.

Truant youth are classified as status offenders or delinquent in:

Alabama, Idaho, Kentucky, Nebraska, New Jersey, Ohio, South Carolina, South Dakota, Texas, and West Virginia. This means that youth will have to go to court where they may be subject to fines, probation, and/or detention.

Young people labelled as "delinquent," often face challenges and negative outcomes. These labels often lead to further justice system involvement or school disengagement. States such as Connecticut and Utah have passed amendments to repeal statutes that label truant youth "status offenders" or "delinquent."

Consequences for Truancy:

Parents may be fined or charged with a misdemeanor in some states like Alabama; and students may have to attend special Truancy programming, like in Texas, or face a hearing in juvenile court to determine the next step.

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Truancy and Homelessness:

Truancy laws can fall heavy on students experiencing homelessness, who may be highly mobile and not know where to catch the bus from where they are sleeping that night or may have to stay up all night to protect themselves, sleeping during the day or working to try to cover their living expenses. Federal law requires schools to remove barriers to students experiencing homelessness, including by working with them or their parents to arrange transportation or make other accommodations, including waiving punishments for truancy associated with their homelessness. Every district is required by law to have a homeless student liaison to help keep homeless students in school - students who need help should find the liaison for their school district.

Preventing truancy:

Coalition for Juvenile Justice has established a set of national standards for identifying truant youth and establishing effective prevention strategies. These standards call for the following:

1. Education systems should implement responses to truancy that match the reasons youth are absent from school and that aim to avoid court involvement, school suspension, or expulsion;
2. Youth-serving and school systems should ensure young people do not enter the status offense system because of learning, mental health, sensory, speech/language, or co-occurring disabilities; and
3. Youth-serving and education systems should train professionals, who first respond to alleged status offenses such as truancy, on family and community dynamics and other factors that can cause these behaviors, as well as the availability and role of screening, assessments, and services.