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Compulsory School Attendance: The New American Crime

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Abstract: A mom walks up to the District Attorney's desk in the Justice of the Peace Court with a total of six tickets as a result of her low-income children's truancy, three in her name and one for each of her three children. She faces the possibility of having to pay anywhere from $510 to $2010 in court costs and fines. Luckily for this mother, her children's cases can be dismissed if she and the children comply with the Judge's probation terms. In this Court, the court costs are actually at the lowest end of the range for the price established by the state; some judges can charge as much as $150 per case and $500 fines per offense. In this instance, the costs are $85 per person, $340 total for the mother and the three children. Those costs cannot be waived and must be paid, regardless of family income. The judge may waive the fine if the parent and the students complete the community service assigned by the judge.

Keywords: truancy; urban schools; compulsory school attendance; underserved minority; absence

1. Introduction

Truancy is an issue because regular school attendance is at the core of United States educational success and achievement, causing a student to encounter health and socioemotional obstacles such as exposure to criminal behavior, poor development of social-emotional and social competence, risky health, and poor civics [1]. Research shows that children who often miss school in the elementary and secondary levels miss postsecondary education and career opportunities and leads to low academic achievement and school dropouts [2–4]. Balfanz and Byrnes identify absenteeism as a national problem for between 5 million and 7.5 million students nationwide not regularly attending school [5]. According to 2013–2014 federal data, about 13% of all U.S. students, or more than 6 million children, missed at least 15 days of school in the 2013–2014 school year [6].

Compulsory school attendance and truancy policies in the United States have focused on parental responsibility, age of compulsory school attendance, and punishment for various forms of chronic absences. This study is guided by the following research question: Do simple law-and-order state attendance policies meet the complex needs of large, diverse student populations? This paper provides a historical context for the development of school truancy policies, defines the extensive vocabulary of truancy [7], reviews truancy policies for several states [7], including a review of the Texas truancy policy [8]. It also reviews the growing research and implications of student truancy and concludes with research-based interventions designed to reduce truancy [9]. Finally, while the focus of this paper is on attendance in the United States, it also recognizes the importance worldwide attendance policies using England and China as examples [10,11].

The significance of this study is that while education is the major life-transforming service U.S. students receive, attendance policies ought to make education accessible rather than acting to disproportionately exclude low-income and minority students from public schools.

2. Research Methods

Research Methods used in this study include legal research methods [12–16], critical discourse analysis [17,18], used to analyze law and policy, prospective historiography [19,20], as a framework for school attendance, and aspects of quantitative data analyses. A national legal review of state attendance policy and attendance data were conducted using legal theory [12]. Critical discourse analysis was used to analyze policy and practice [17]. The study used prospective historiography [19] and grounded the research in an historical context to show that while the history and the school attendance policies have become more punitive, the results are unchanged. State policy data were gathered from the National Education Commission for the States [21–23]. Student attendance data were gathered from the Texas Education Agency (TEA) and Public Education Information System (PEIMS). History guides the conclusions showing achievement data, the root of American education, show few changes in student achievement.

3. Literature Review

The research reviewed the historical roots on compulsory school attendance/truancy and compared historical goals to current school truancy and compulsory attendance; Tyack, [19,20,24]. The paper reviewed the 2013–2014 Civil Rights Data Collection, truancy policies for 50 states and discussed implications of student attendance/truancy [6,18,25]. Some states and other jurisdictions have organized truancy prevention around one or more of the following factors, social competency [26], health [27,28], family services [16], family services and family policy [29,30], academic success [7,31], juvenile justice [18,26,27], criminal behavior [26], Americanization [32,33], and other areas. The research review concluded with summary discussions on implications for research-based interventions and recommendations intended to reduce truancy [21,26,32,34–36].

4. World View

While this article does not review the practice of international school attendance policies, it does acknowledge some similarities and differences in world attendance policies. According to the Department for Education in England, students who miss less than 5% of school achieve at much higher levels than those who are absent for longer, which is why the English attendance policy strongly encourages and supports good attendance [10]. The English attendance policy focuses on the theory that high attendance equals high achievement, with the threat of sanctions or legal proceedings for unexcused absences [10]. China has a state-run, nine-year, compulsory education policy funded by the government and with a 99 percent attendance rate for primary and middle schools [11].

5. Historical Context

In a 1976 article, Tyack identified five different explanatory historical models in which compulsory school attendance in the U.S. is rooted. Model one is the symbolic model rooted in political construction and ethno-cultural conflict, the high point of voluntary school attendance in the United States. Model two is the bureaucratic model grounded in a bureaucratic system with strong laws and sophisticated techniques to bring truants to school. Like the symbolic model, the bureaucratic model is rooted in political construction and ethno-cultural conflict. Intertwined into the models of school attendance was the political construction of compulsory education and the ethno-cultural politics in compulsory-school legislation during the nineteenth century, including an anti-Catholic movement. Tyack [19] identified the rise of organizational interpretation as the third model for viewing compulsory attendance. The model emerged from the theory of taking politics out of education, but in essence, put the politics into the hands of leaders in administration [19]. Model four uses an economic theory that justifies the growth in schooling as an investment in human resources. This model extends to the current period. Economics like Fryer [37] have focused on the economy and human capital with an emphasis on social justice. The model of compulsory school attendance with a focus on social justice is

a new age model. Finally, model five depicts compulsory school attendance as a means to reproduce an unequal distribution of wealth and hierarchical relations in the class structure of American society [19].

Model I: *Symbolic Stage of Compulsory School Attendance 1850–1890*

The first model of compulsory school attendance in the United States is the symbolic model based on universal attendance. The symbolic model assumed that education was necessary for social progress and served as a frame for early compulsory school attendance laws. It also became the product of noble leaders framing the foundations of education in the evolution of democracy (1976). The foundation of democracy was a structure for civilization used to frame American social and economic life. The symbolic phase identified between 1850 and 1890 was grounded in building a broad base of elementary schooling with most states passing compulsory attendance legislation that were unenforced. During this period, the cost of education jumped from $7 million to $147 million. Literacy and attendance in the U.S. were based on the region in the U.S. with the South lagging behind and commonly forbidding African Americans from learning to read. African Americans were 90% illiterate in 1870 and immigrants had less literacy than native born. Literacy was affected by social class and urban or rural residence. By 1890 with little coercion, there were over fourteen million children in school and most children were expected to attend five years of school [19]. Often, educators did not enforce compulsory school attendance laws. In some schools, the facilities were poor and seats available for students were limited.

Tyack [19] argues that before 1850 and before compulsory school laws, Americans experienced a peak in literacy and mass schooling with high enrollment and literacy rates of 90% among whites. The country experienced a period of almost universal attendance that represented a broad consensus on the value of schooling rather than legal imposition with students attending five years of schooling with solid achievement [20]. By 1890, 27 states had passed compulsory school laws [19], however students willingly attended school with little coercion.

Model II: *Compulsory School Attendance: The Bureaucratic Model 1890–1950*

The second phase in the history of compulsory school attendance was the bureaucratic period. During this period, schools grew in size and complexity. Schools were governed by a new bureaucratic system with strong laws and sophisticated techniques to bring truants to school. By 1920 and 1930, states were requiring youth to attend high school.

During the bureaucratic period, coercive compulsory school attendance laws were more elaborate with attendance officers, pupil accounting, and state school finance based on average daily attendance [19]. Age limits for compulsory attendance were pushed upward in the 1930s, also developing a social promotion to keep age groups together. The 1940s saw two million students, ages six to 15, truant [19]. However, this was also the period that saw universal elementary and secondary schooling as an accepted goal.

The second phase of education displayed more positive attitudes toward compulsory school attendance. This included the South as more states passed new compulsory school laws with increased student ages [19]. The second phase of compulsory school attendance made significant shifts in the functions of families, children and youth in a movement to establish public institutions as superior to the private influence of families in the social and individual development of children. Advocates of compulsory school laws argued that some families, mostly poor and foreign-born immigrants, failed to carry out the traditional roles of moral and vocational training [19].

School attendance in the United States was historically grounded in the need to Americanize or socialize a large immigrant population [19]. Compulsory school attendance was aimed at that "deviant minority" that was mostly located at the bottom of the social structure [19]. From 1830 to 1890, reformers concluded that truant children should be compelled to attend school because it was that very group who needed training the most [19]. It was students on the street who learned, "disobedience to

parents, prevarication, falsehood, obscenity, profanity, lewdness, intemperance, petty thievery, larceny, burglary, robbery, and murder" [19] p. 68. The fear was that instead of filling schools, "they will find their way into our prisons, houses of corrections, and almshouses" [19] p. 68. It was concluded that the only remedy was "stringent legislation, thoroughly carried out by an efficient policy" to force truants to go to school [19] p. 68. The truants were mostly poor, immigrants, and non-Protestants.

There were many obstacles to compulsory school attendance in the 1880s, including the rejection of such 'criminals' and the lack of desks and classrooms [19]. In 1889, the Chicago Board of Education argued, "We should rightfully have the power to arrest all these little beggars, loafers, and vagabonds that infest our city, take them from the streets and place them in schools where they are compelled to receive an education and learn moral principles" [19] p. 70. A quarter of the juveniles jailed at the Chicago House of Correction in 1898 were there for truancy. By 1918, every state had compulsory school attendance laws.

5.1. The political Construction of Education

U.S. Education is grounded in the theory that only government can require parents to send children to school. This theory has evolved education into a state power. Compulsory school attendance became a way for the democratic state to instill behavior and majority values [20]. Americans believed in the power of schooling to transform all kinds of people into citizens [20] Consider the infusion of immigrants during the post 1860 period and following World War I and II. The nation's goals used schools to Americanize citizens, but there was also the fact that education was controlled by local boards of education.

5.2. Ethno-cultural Politics in Compulsory-School Legislation

The nineteenth century saw Americans having significantly different views of citizenship and state powers, including compulsory school attendance laws. This division was most evident across ethnic and religious lines. In 1922, an anti-school Catholic School Movement and a pro-state socialization model caused Oregon to pass an initiative amending the Oregon compulsory school attendance law [19,38,39]. The state's Compulsory Education Act required children, between 8 and 18, to attend public school. Catholic and private schools sued in opposition to the initiative. The Society of Sisters ran several boarding schools in Oregon. The Order feared that its schools would be deprived of revenues and Catholic parents would be deprived of the right to obtain religious training for their children. The Society of Sisters claimed the state law deprived it of liberty without due process of law as applied to the states under the Fourteenth Amendment of the U.S. Constitution. The district court enjoined the Act based on the schools' rights to economic liberty and substantive due process [40]. *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary* [40] was decided by the U.S. Supreme Court. The court ruled that the term *liberty* as protected by the Fourteen Amendment prevented the state from forcing students to accept instruction only from public schools. *Pierce* was not decided on the basis of the rights of the child, but on the rights of the property owners and parents [40]. The Court affirmed the Oregon attendance laws, and held that *" . . . Any parent, guardian or other person in the State of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or neglect or refuse to send such child to a public school for the period of time a public school shall be held during the current year in said district, shall be guilty of a misdemeanor and each day's failure to send such child to a public school shall constitute a separate offense . . . ".* Pierce reaffirmed the importance of parent responsibility: *The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.* [40].

5.3. Organizational Systems as the Third View of Compulsory School Attendance

By the twentieth century, efficient organizational systems were developed for compulsory school attendance. The politics of education had given rise to an elaborate administrative system

for compulsory school attendance that included attendance officers and systems for maintaining attendance, including day-long truant schools, disciplinary classes, ungraded classes, and a host of specialized curricular tracks.

5.4. Economic Interpretations of Compulsory School Attendance

The Post World War II period promoted a human capital theory that justified compulsory school attendance. The notion of the investing resources to increase the competence of workers and increase productivity and earnings was not new. Following WWII, economists who were interested in economic growth started to investigate the effects of human capital on development [19]. Economists developed estimate rates of returns on investments in education, concluding that schooling does have a significant impact on earnings and a justification for compulsory school attendance [19]. In recent times, consider the research on education by Roland Fryer [37] and other economics on issues like the productions of human capital in journals like the *Journal of Economic Analysis and Policy Advances.* Consider articles like "The Impact of Attending a School with High-Achieving Peers" by Fryer [37]. Fryer and other economists continue to study the impact of school attendance on the economy. Economists like Fryer [37] focus on the economy and human capital with a social justice angle.

5.5. A Marxian Analysis of Compulsory School Attendance

Schools were also identified as sorters that determine the occupational destiny of students. Families concluded that schooling paid off for their children. It was also noted that some families could make a greater investment in education than others. The Gintis–Bowles model was explicit in how a liberal educational system played a crucial part in reproducing unequal distribution of wealth and hierarchical relations of production.

5.6. Post Tyack Policy for Compulsory School Attendance

In 2016, every state in the U.S. has compulsory school attendance laws. However, there is no federal mandate on compulsory school attendance. The absence of a federal mandate requiring that all states provide a uniform compulsory school law is prohibited by the U.S. Constitution. Since there is no constitutional requirement for states to provide an education, the rights of states to provide an education for its citizens is governed by the Tenth Amendment of the U.S. Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Federal government may provide some educational mandates under the U.S. Constitution, such as General Welfare Clause, Article 1, Section 8, and Clause 1, which provides U.S. federal intervention rights and allows the Feds *to intervene in public education when it meets the intent of the U. S. Constitution or when it is in the national interest.*

While education is not a right under the U.S. Constitution, states have made education as a state right by requiring that all their children to attend school through compulsory school laws. The state constitution and the state requiring students to attend school create the state's right to an education [12]. For example, the Texas Constitution, like many other state constitutions, guarantees a public education: "A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the legislature of the state to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." The state constitution guarantees school funding for "an efficient system of public free schools" [41]. Chapter 25 of the *Texas Education Code* and Chapter 65 of the *Texas Family Code* define compulsory school attendance and truancy policies [42]. The state bases all state school funding on student attendance, using a per pupil allocation formula) [42]. The state requires school attendance for students between the ages of five to eighteen, and to twenty-six for special cases as defined by local school boards. Every state in the U.S. has a unique compulsory attendance policy similar to Texas.

5.7. Defining School Attendance

Student compulsory school age will continue to be a national policy issue. A 50-state policy review shows that students are required to remain in school for as few as nine years and as many as 13 years [25]. Massachusetts makes education eligible for children as young as 3 years old. Florida, Illinois, and Wisconsin provide free public education eligible for 4 years old. In 2015, 24 states and the District of Columbia require compulsory school attendance until a student turns 18; eleven states require attendance until 17; and 15 states require attendance until 16. Some states extend free public education requirements for students with disabilities [12]. The national trend is for states to extend the upper limit for compulsory school age and to prevent school dropouts.

Many states provide a variety of exemptions to the requirement of compulsory free public education, including: employment; physical or mental condition; parent permission; court or district school board permission; enrollment in a career and technical or other work-based programs; or enrollment in general education degrees (GED). The general age range for free-public education is 5–20 years of age. A district is required to provide a free-public education to child upon their 5th birthdate, based on the first day of the semester, until after their 20th birthday. The district is required to provide an education for the entire school year for the student's 20th birthday [12]. See Table 1 for a 50-state analysis of State Truancy Policy.

Table 1. Fifty State Truancy Policy.

State	Ages Eligible for Free Education	Ages Subject to Compulsory Attendance	Options/Major Exemptions to Compulsory Attendance	Policy/Laws to Address Habitual Truancy
Alabama	5–17	6–17	Exit Interview if you want to leave school	Private, parochial, public and home school students subject to regulation by state department
Alaska	5–20	7–16 (or complete 12th grade)		
Arizona	5–21	6–16 (or compete 10th grade)		
Arkansas	5–21	5–18	Exemption: 16 or older and in adult education 10 hours a week	Fines up to $500
California	5–21	6–18	Exemption: work permit 2015: Transfer Pupils from Juvenile Court	Community service (parents, child, or all), juvenile delinquency school, parent education, $1,000 fine
Colorado	5–21	6–17	Alternative schools for expelled students; After-school STEM programs; Teen Pregnancy Program; services to habitual truancy with post-sec. resources.	As of 2013: School districts encouraged to establish attendance procedures for identifying chronically absent students and implement best practices and research-based strategies to improve the attendance of chronically absent students
Connecticut	5–21	5–18	Parental consent or work-permit for withdrawal of ages 16 and 17	Social and rehabilitation service (parents, child, or all). Chronic Absenteeism (2015): Expanded the Probate Court Truancy Clinic program to include alliance districts- school districts in the towns with the lowest district performance indices. Requires school districts that have high rates of chronic absenteeism to establish a district school attendance review team responsible.
Delaware	5–21	5–16		2013: Earlier Truancy Intervention: Implements recommendations from the Truancy Task Force by changing provisions of the Delaware Code regarding compulsory attendance and when a truancy case must be brought to the Truancy Court. Specifically, school attendance requirements apply to enrolled students through grade 12.
District of Columbia	5—no upper age limit	5–18	Exemption: 17 or older, part-time school if working	Community service, fine, or imprisonment (parents) 2013:Establishes truancy procedures with inter-agency coordination and requires the Office of the Attorney General to submit an annual truancy status report.
Florida	4—not in statute	6–16	Exemption: File a Truancy Petition	
Georgia	5–20	6–16		
Hawaii	5–20	6–18	2014: Upper Statutory Age for Youth with Disabilities; required to provide sp. Ed for 20–21.	2014: Making Kindergarten attendance mandatory

Table 1. *Cont.*

State	Ages Eligible for Free Education	Ages Subject to Compulsory Attendance	Options/Major Exemptions to Compulsory Attendance	Policy/Laws to Address Habitual Truancy
Idaho	5–21	7–16		2013: Amended current law for any alternative secondary school to have their full-term average daily attendance used to calculate support units for each cohort of students that meets the minimum instructional hours that are required. Support units so calculated shall be used for all state funding formulas
Illinois	4–21	6–17	Dropouts may take advantage of graduation incentive program or alternative learning programs, reimbursement for successful completion of a job or career training program with employment within 6 months of completion.	Community service (child), misdemeanor (parents and/or child) 2013: Truancy in Chicago Public Schools Task Force established
Indiana	5–22	7–18	16 or older and student, parent, and principal agree to withdrawal 2014: Excused absence for state fair participation.	"Habitual truants" are ineligible for a driver's license or learner's permit.
Iowa	5–21	6–16	2013:Preschool enrollment considered "of Compulsory Age." A child who has reached the age of four by September 15 and who is enrolled in the statewide preschool program to be considered to be of compulsory attendance age unless the parent or guardian of the child submits written notice to the school district	
Kansas	5—no upper age limit	7–18	Parent's consent and signing of disclaimer acknowledging that child lacks skills and earnings will be lower	Social and rehabilitation service (parents, child, or all)
Kentucky	5–21	6–18	2013: Upper Compulsory School Age; Effective with the 2015-2016 school year, permits a local board to raise the upper compulsory school age from 16 to 18. 2014: Caregiver ability to make school-related decisions for a minor.	
Louisiana	5–20	7–18	17 with parent's consent	Up to $250 fine or 30 days imprisonment (parents)
Maine	5–20	7–17	15 or older with either parent's consent, part-time school, or working;	
Maryland	5–21	5–17		2013: Requires each local board of education to develop a system of active intervention for any K-12 student who is chronically absent from school, defined by being unlawfully absent more than 8 school days in any quarter, 15 days in any semester, or 20 days in a school year.
Massachusetts	3–22	6–16		
Michigan	5–20	6–19	Recognizes alternative education possibilities, and it is the responsibility of expelled student and parents to locate alternative possibilities and enroll.	Social Welfare Act amended to prohibit a family from receiving Family Independence Program (FIP) assistance
Minnesota	5–21	7–18	16 or older and parent's consent	Misdemeanor (parents and/or child)
Mississippi	5–21	6–17		Misdemeanor (parents)
Missouri	5–21	7–17		
Montana	5–19	7–16 (or completion of 8th grade)	2013: In district school assignment	2013: A parent, guardian, or other person responsible for the care of a child has a right to appeal the trustee's school assignment decision.
Nebraska	5–21	6–16	16 or older with parent's consent or need to work	Misdemeanor (parents and/or child)
Nevada	5–21	7–18	Attendance requirement waived for students 15–18 who get a job or apprenticeship with written permission. Distant from school, need to work, or 14 or older and working.	Advisory board meeting, misdemeanor (parents), foster care (child)
New Hampshire	LEA decision –21	6–18	At age 16 or older waivers may be obtained from superintendent if students have an alternative learning plan for a high school diploma or equivalent.	
New Jersey	5–21	6–16		2014: Transportation for out-of-district children with a family crisis; District provides transportation.
New Mexico	5–Not in statute	5–18	17 or older and working	Ineligible for driver's license, social and rehabilitation service (child), misdemeanor (parents)
New York	5–21	6–16	16 or older and working	Fine or imprisonment (parents)

Table 1. *Cont.*

State	Ages Eligible for Free Education	Ages Subject to Compulsory Attendance	Options/Major Exemptions to Compulsory Attendance	Policy/Laws to Address Habitual Truancy
North Carolina	5–21	7–16		2013: Pilot Program to Raise Dropout Age.
North Dakota	5–21	7–16		
Ohio	5–22	6–18	Work permit 2014: Release time for religious purposes.	Misdemeanor (parents, child, or all)
Oklahoma	5–21	5–18	16 or older with principal and parent consent	Misdemeanor (parents and/or child)
Oregon	5–19	7–18	16 or older, parent's consent, and working	Notice to parents
Pennsylvania	6–21	8–17		Misdemeanor (parents, child, or all) Directs the Joint State Government Commission to study, in consultation with an advisory committee, the issue of truancy and school dropout prevention in the Commonwealth.
Rhode Island	5–21	6–18	Alternative learning settings are available for students ages 16–18 who withdraw from school. 16 or older and parent's consent	Fine or imprisonment (parents)
South Carolina	5–22	5–17	No Complementary Provisions	Fine or imprisonment (parents)
South Dakota	5–21	6–18	Students who have successfully completed grades 1–8 are excused if they or their parents are members of a recognized church or religious denomination that objects to the regular public high school education; the religious denomination must provide "regularly supervised program of instruction."	
Tennessee	5—not in statute	6–18	2015: Excused Absences for non-school sponsored extracurricular activities 2015: Released time courses in religious moral Instruction 2015: Excused Absences for non-school sponsored extracurricular activities by school principal or designee 2015: Excused absences allowed for health care visits or family events if the parent provides a written note at least one day in advance and if the student makes up course work	Misdemeanor (parents, child, or all), truancy school.
Texas	5–26	6–18	2013: Requires a school district to excuse a student whose parent or legal guardian is an active duty member of the U.S. Armed Forces or Reserves or National Guard 2013: Excused Absence for students who are parents.	Misdemeanor (parents, child, or all), truancy school 2013: Any student in grades K-12 may not receive a final grade for a class unless the student is in attendance for at least 90% of the days the class is offered. Permits a student who attends 75% but less than 90% of class days to receive a final grade for the class if the student completesa plan approved by the school's principal. Provides for attendance committees to hear petitions for a final grade for students who fall short of these requirements and allows students to appeal committee decisions to the local board of trustees.
Utah	5—not in statute	6–18	16 or older and working 2014: Exception to Issuing Habitual Truant Citation; Provides a habitual truant citation may not be issued to a habitual truant who is at least 16 years old and has at least a 3.5 cumulative grade point average.	Misdemeanor (parents, child, or all), truancy school
Vermont	5—no upper age limit	6–16 (or completion of 10th grade)		
Virginia	5–20	5–18	Parent's consent	Misdemeanor (parents, child, or all)
Washington	5–21	8–18	16 or older and working	Misdemeanor, social and rehabilitation service (parents, child, or all)

Table 1. *Cont.*

State	Ages Eligible for Free Education	Ages Subject to Compulsory Attendance	Options/Major Exemptions to Compulsory Attendance	Policy/Laws to Address Habitual Truancy
West Virginia	5–22	6–17	Students who have completed grade 8 may be exempt from the attendance requirement if extreme destitution of the family is shown and the student receives a work permit.	2015:Requires a school attendance director to notify parents or guardians if a student has three unexcused absences during the school year and file a complaint against parents or guardians if students have 10 unexcused absences in the year Requires a conference with the school principal or other representative if a student has five unexcused absences.
Wisconsin	4–20	6–18		Fine or imprisonment (parents) 2010: Habitual truants need not be readmitted through open enrollment 2015: Allows a school attendance officer to provide initial notice to a parent or guardian of a student's truancy by 1st class mail.
Wyoming	5–21	7–16 (or completion of 10th grade)	1998: Provides for an appeals process to release the compulsory school attendance requirement for parents of a child who has reached their 16th birthday but has not completed 8th grade. 2001: Excuse students participating in the state fair from school attendance	

The Federal Policy for attendance rates is mentioned in Sec. 1113 of No Child Left Behind (2001). However, NCLB does not provide a clear policy for defining truancy [24]. In 'Title IV - 21st Century Schools, Part A - Safe and Drug-Free Schools and Communities, [21] Uniform Management Information and Reporting System (A) Information and Statistics for a state' established a uniform management information and reporting system for (i) truancy rates [24]. The federal policy on defining truancy is delegated to the state. In NCLB, Title VI, on accountability, section 6231, federal policy mandates the use of average daily attendance for the purpose of receiving payment for services provided to students. In Title VII, section 7151, NCLB provides a definition for an adult as an individual who has attained the age of 16 years or an age greater than the age of compulsory school attendance under the "applicable State law." There is no federal policy that defines truancy. The federal policy refers any definition of truancy or age of compulsory school attendance to state law or state policy using the policy of NCLB [24]. In 2009, a study by NCES urged education agencies to report attendance data in a standard manner to allow comparisons across organizations and jurisdictions. The study also provided a uniform taxonomy for reporting attendance data [25]. Federal policy defining school attendance was not provided under Every Students Succeeds Act (ESSA) (2016); however, ESSA requires that states and districts include new information in their annual report cards, including data about chronic absenteeism [6]. 'Chronic absenteeism' is defined as absence for 15 or more days a year any reason (e.g., illness, suspension, the need for care for a family member), regardless of whether absences are excused or unexcused [6]. In addition, states should consider including chronic absenteeism into their state developed ESSA accountability plans as a non-academic indicator of school success [6]. As an accountability non-academic indicator, the use of chronic absenteeism would also be a good proxy indicator of how districts and schools are addressing issues like public health, supporting low-income students, coordinating mentorship programs, organizing community services and communicating with families [6].

The research on academic success identifies how family social and economic factors affect school attendance, such as poverty, the lack of stable affordable housing, common and chronic health conditions, limited access to health care and food insecurity using the research [2,4,26,28,30,33,43–47].

In 2013, Attendance Works provided uniform steps that states can take to uniformly identify and address chronic truancy. If a student is absent without an excuse by the parent/guardian, or if the student leaves school or a class without permission of the teacher or administrator in charge, the student shall be considered truant and the absence unexcused [48]. Truancy is defined in the context of average daily attendance or the percentage of a school's student body that attends on a typical day. The definition of truancy may vary from state to state, but generally it is a measure of

how many students miss school without an excuse. A chronic absence is how many students miss a certain percentage or number of days, including excused and unexcused absences and suspensions. The National Assessment of Educational Progress [49] study of 2013 defined poor attendance as missing three or more days in that period, regardless of whether the absences were excused or unexcused [50]. The data for the NAEP [49] study were self-reported by students taking the test in the fourth, eighth, and twelfth grade. According to the U.S. Department of Justice, the simple definition of truancy is an unexcused absence from school or class without the proper approval of appropriate officials. In 2006, the National Center for School Engagement (NCSE) provided a definition of truancy that fits many states' policies and grounded in unexcused absence/truancy: "If a student is absent without an excuse by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator in charge, it is considered to be unexcused and the student shall be considered truant [3]."

In developing a truancy policy, institutions must consider what constitutes an "excuse" for absence. Is it a written note, an email, or a phone call? How many days of absence must occur before the school takes action to intervene with parents, sanction students and make court referrals? What systems are used to notify parents of their student's truancy? What happens when the school disagrees with the parent's excuse for an absence? Will suspended students be considered truant? States consider all of these questions in defining truancy. In 2013, Attendance Works identified different state definitions of chronic absenteeism with: seven states based on unexcused absences; one state based on excused absences; seven states based on the percentage of days missed; and four states based on the total number of days missed. Two states had no definition. Since not all states have uniform responses to these questions, aggregating state data into a national rate is problematic; however, at a minimum, a uniform truancy definition should clarify the following areas: "1. Truancy is any absence unexcused by the school. Is an absence that is excused by a parent but not by school officials still truancy? 2. Truancy applies even if only part of the day is unexcused. In secondary schools, students often skip one or two periods but attend the rest of the day. Are they truant? 3. Truancy is determined only if a case is reviewed. Should there be a review and determination by a school official that the absence was unexcused before a student is labeled as truant? 4. Truancy is a term reserved for cases that are referred to court. Should the "truancy" label only apply to students who have so many unexcused absences that they have triggered a court referral? 5. Should truancy only apply to students between the ages of compulsory school attendance " [3].

5.8. Truancy and State Policy

All states in the United States have laws governing compulsory education and mandating school attendance [49] Most states hold parents responsible for the actions of their minor children to follow compulsory attendance and truancy policies. Some states criminalize parents and students for failure to follow such policies [27,44]. Some states and other jurisdictions have organized truancy prevention around one or more of the following factors: academic success, socioemotional development, social competency, juvenile justice, health services, family services, family policy, criminal behavior, and Americanization [2,4,26,28,30,33,43–47].

5.9. Attendance and Zero Tolerance: Disproportional Effect on Black and Hispanic Students

School attendance and truancy policies in the United States focus on parental responsibility and age of compulsory school attendance. Many states intersect school attendance policy in the state education code with the state penal code, defining the crimes that parents commit when a student is truant. According to a Department of Education Office of Civil Rights (OCR) study [6], student absenteeism continues to be a policy that criminalizes students. The study also shows 1.6 million students attending schools that employ law enforcement officers but not student counselors [6]. In Texas, compulsory school law requires that a student who is six years old as of September 1 to: "attend public school until the student's 18th birthday, unless the student is exempt under 25.0826." The Texas State Legislature

imposed a "Failure to Attend School" policy in 2015 that makes it a crime for parents and students who fail to attend school 10 or more days, or parts of days, within a six-month period in the same school year, or on three or more days or parts of days, within a four-week period [51]. A parent commits a Class C misdemeanor for contributing to non-attendance and obstructing compulsory school attendance [8]. Parents are subject to criminal procedures in municipal court or the Justice of the Peace, including court costs and fines for each child filed. Students are subject to criminal procedures in municipal court or the Justice of the Peace for a Class C misdemeanor for truancy [8]. Parents and students are required to satisfy community service and pay fees and fines, ranging from $100–$500. Some fines are dismissed by judges; however, the court costs of $85 per child are required of all fines. If parents failed to pay fines, they will be held in contempt of Court. The court may issue a warrant for their arrest [51]. Under state law, a municipal judge or a Justice of the Peace has the authority, with parent permission, to exempt a 17-year-old from compulsory education and assign the student to GED [8]. The judge may also assign a 16-year-old for GED [8].

Table 2 data on the criminalization of student attendance show that between 2010 and 2015, families fined for student chronic absenteeism ranged from the families of 66,443 students in 2010–2011 to 45,871 in 2012–2013. When an analysis was conducted for chronic absenteeism by race using 2010–2011 Texas student fine data, Table 3 shows that Hispanics had the highest rate of chronic absenteeism. Hispanics made up 50% of the state enrollment and 60% of the tickets and citations for chronic absenteeism issued by Texas courts [52]. Table 3 also confirms that the chronically absent are also those in poverty with a rate of 75% compared to the state rate of 59% [52]. In Texas, American Indians made up 0.5 of the state enrollment and received 0.5% of the citations issued for chronic absenteeism. Punitive Texas school compulsory attendance laws have not improved over the last 200 years while targeting the same suspects.

Table 2. Texas Education Agency. Zero Tolerance Counts of Students and Incidents of Chronic Absenteeism by Discipline Action Groups and Discipline Action Reasons PEIMS 2010-2015 Truancy Data.

2010–2011		**STUDENTS**	**INCIDENTS**
Truancy—Charges Filed	42: Truancy: Parent contributes to:	10,230	10,893
	43: Truancy: 3 Unexcused Absences	23,100	27,140
	44: Truancy: 10 Unexcused Absences	32,876	37,392
	45: Truancy: Failure to enroll	237	263
Totals		**66,443**	**76,932**
16: Truancy—Charges filed with fine			46,353
17: Truancy—Charges Filed Without Fine			30,579
Total Fines			**76,932**
2011–2012		**STUDENTS**	**INCIDENTS**
Truancy—Charges Filed	42: Truancy: Parent contributes to:	10,915	12,209
	43: Truancy: 3 Unexcused Absences	17,274	21,038
	44: Truancy: 10 Unexcused Absences	26,753	32,879
	45: Truancy: Failure to enroll	176	199
Totals		**55,118**	

Table 2. *Cont.*

2010–2011		STUDENTS	INCIDENTS
16: Truancy—Charges filed with fine			42,963
17: Truancy—Charges Filed Without Fine			24,370
Total Fines			**67,333**
2012–2013		**STUDENTS**	**INCIDENTS**
Truancy – Charges Filed	42: Truancy: Parent contributes to:	11,155	11,768
	43: Truancy: 3 Unexcused Absences	11,396	19,854
	44: Truancy: 10 Unexcused Absences	23,177	31,271
	45: Truancy: Failure to enroll	143	212
Totals		**45,871**	
16: Truancy—Charges filed with fine			40,080
17: Truancy—Charges Filed Without Fine			23,985
Total Fines			**64,065**
2013–2014		**STUDENTS**	**INCIDENTS**
Truancy—Charges Filed	42: Truancy: Parent contributes to:	10,486	11,849
	43: Truancy: 3 Unexcused Absences	16,843	20,083
	44: Truancy: 10 Unexcused Absences	25,473	31,987
	45: Truancy: Failure to enroll	204	216
Totals		53,006	
16: Truancy—Charges filed with fine			32,243
17: Truancy—Charges Filed Without Fine			19,902
Total Fines			**52,145**
2014–2015		**STUDENTS**	**INCIDENTS**
Truancy—Charges Filed	42: Truancy: Parent contributes to:	10,486	11,408
	43: Truancy: 3 Unexcused Absences	16,843	9,379
	44: Truancy: 10 Unexcused Absences	25,473	23,178
	45: Truancy: Failure to enroll	204	123
Totals		**53,006**	
16: Truancy—Charges filed with fine			29,782
17: Truancy—Charges Filed Without Fine			15,033
Total Fines			**44,815**

Table 3. Counts of Students and Incidents for Truancy by Discipline Reasons, by Student, Discipline Action Groups, and Race, 2010/2011. Parents Given Citations for Student Absence Violations (Up to $500 per student plus court costs).

Student Race	Black	Hispanic	White	American Indian	2 or more Races	Asian	Native Hwa/Pac Is	Total Students	Low income
Student No.	11.953	36.390	10.336	343	695	757	71	**60,454**	**45,891**
% of Total Attendance Citations by race	20%	60%	17%	0.50%	1.00%	1.30%	0.10%	100%	75%
% of State Enrollment 2010/2011	12.9%	50.3%	31.2%	0.5%	1.6%	3.4%	0.1%	**4,912,385**	59.2%
% of total State Enrollment	12.9%	50.3%	31%	0.50%	1.6%	3.4%	0.10%	**4,912,385**	59.2%

Source: Texas Education Agency (TEA): Enrollment in Texas Public Schools: file:///C:/Users/areyes3/Downloads/enrollment_2010-11.pdf, retrieved 29 December 2015. TEA Count of Student and Incidents for Truancy by Ethnicity and Economic Status 2010–2011.

Table 4 conducted analysis of the rate of attendance by race; however, these data are not very informative. Those data merely showed that from 2010–2011 to 2014–2015, the attendance data for African Americans ranged from 95.1 to 95.6 with a state attendance rate of 95.7. For Hispanics, the rate ranged from 95.3 to 95.8 with a state average of 95.7. For whites, the rate ranged from 95.1 to 95.9 [52]. According to practitioners, attendance rates ranging from 90% to 95% account for successful attendance and hide chronic absenteeism. Schools may not sound the alarm for students who miss 10% of the school year, or two days a month, and are on the brink of failing or dropping out of school. On the contrary, they celebrate successful attendance. Chronic student absenteeism is often accompanied by teachers who are frequently absent [6].

The post-2015 Texas truancy law was defined in House Bill (HB) 2398 as: "An ACT relating to the court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; provide criminal penalties; imposing court cost" (p. 1) [51]. Senate Bill 108 provides conditions for court procedures, including expunction in Justice of the Peace Courts if acquitted or complaint dismissed [51]. HB 431 created a Juvenile Records Advisory Committee to develop a plan for studying, reorganizing and revising Family Code Chapter 58 and any other laws pertaining to juvenile records [51]. HB 1491 made provisions for the publications of confidential juvenile record information of a child 10 to 18 years of age. HB1491 sets a $500 fine per violation in district court. HB 642 provides deferred disposition or conviction for participation in education program. HB 2398 sets up a tiered fine range of $100 for the first offense, $200 for the second offense, and up to $500 for the fifth or subsequent offense [51].

The post-2015 Texas law emphasizes a "parent contributing to nonattendance," with greater discretion provided for judges to dismiss cases against parents. According to HB 2398, judges "may" dismiss cases against parents [8]. Schools may file complaint against parents in court [41]. While the new Texas truancy law attempted to reverse the criminalization of student truancy, Sec. 25.093 of the *Texas Education Code* provides a full description of how parents can be criminalized for contributing to nonattendance. The student compulsory school attendance policy continues to be intersected with Texas Code of Criminal Procedures, the state penal code and criminality of parents for school attendance behavior. Truancy cases will no longer be reported as criminal offenses but will be reported as civil offenses with judicial oversight; however, parents will be criminalized under Sec. 25.093 of the *Texas Education Code* for contributing to nonattendance [8]. The state provided new mandates without any new funding for truancy prevention and a dependency on community-based services, including counseling, mediation, mentoring, teen court programs, community-based services or out-of-school services with the goal of addressing the student's truancy. This study focuses on the following question: Do simple law-and-order state policies meet the complex needs of large, diverse student populations?

Table 4. Texas Attendance Rate by Race.

Student Race	Black	Hispanic	White	American Indian	2 or More	Asian	Native Hwa/Pac	Total Students	Low Income
2010–2011 State Attendance Rate by Race (2009–2010 Attendance Data)									
State Attendance Rate: 95.5%	95.1%	95.3%	95.6%	95.0%	95.7%	97.5%	95.5%	**4,912,385**	95.2%
% of total State Enrollment	12.9	50.3	31.2	0.5	1.6	3.4	0.1	**4,912,385**	59.1
2011–2012 State Attendance Rate by Race(2010–2011 Data)									
State Attendance Rate: 95.5%	95.4%	95.6%	95.9%	95.0%	96.7	97.5%	95.5%	**4,978,120**	95.2%
% of total State Enrollment	12.8%	50.8%	30.5%	0.4%	1.7%	3.6%	0.1%	**4,978,120**	60.4%
2012–2013 State Attendance Rate by Race(2011–2012 Data)									
State Attendance Rate: 95.9%	95.6%	95.8%	96.1%					**5,058,939**	95.6%
% of total State Enrollment	12.7%	51.3%	30.0%	0.4%	1.8%	3.6%	0.1%	**5,058,939**	60.4%
2013–2014 State Attendance Rate by Race(2012–2013 Data)									
State Attendance Rate: 95.8%	95.6%	95.6%	95.9%			97.7%		**5,135,880**	95.4%
% of total State Enrollment	12.7%	51.8%	29.4%	0.4%	1.9%	3.7%	0.1%	**5,135,880**	60.2%
U.S. Chronic Absentee Rate: 13% from 6.5 M	15.5%			22%				50 M	
U.S. Total Enrollment	15.5%	24.7%	50.3%	1.1%		4.8%		50 M	
2014–2015 State Attendance Rate by Race(2013–2014 Data)									
% State Attendance Rate: 95.9%	95.6%	95.6%	95.7%	95.4%	97.8%	95.6%	95.7%	**5,215,282**	95.7%
% of total State Enrollment	12.6%	52.0%	28.9%	0.4%	2.0%	3.9%	0.1%	**5,215,282**	58.8%

Texas Education Agency (TEA): Pocket Edition retrieved from: http://tea.texas.gov/communications/pocket-edition/ 2010–2015.

5.10. Implications of Truancy

In 2014, Ginsburg, Jordan and Chang conducted a state-by-state analysis of National Assessment for Educational Progress [49], showing the correlation between attendance and achievement. See Table 5. The premise of the study was that "students must attend school regularly to benefit from what is taught . . . " [43,49]. Students who reported poor attendance in the month before taking the 2013 NAEP scored significantly lower on the test than their peers who reported no absences. For purposes of this study, poor attendance was defined as missing three or more days in the month before taking the 2013 NAEP, regardless of whether the absences were excused or unexcused, as self-reported by students. The NAEP data showed national averages on the 4th and 8th grade mathematics and reading tests were between 12 and 18 test score points lower for students with poor attendance than for their peers who had not missed any school in the reporting period [43,49]. The tests have a maximum score of 500.

According to Ginsburg, Jordan and Chang [53], lower achievement for students with poor attendance was evident across racial, ethnic, and economic groups. Students with higher absences had skill levels one or two years below their peers. Ginsburg, Jordan and Chang [53] reported that poor attendance increased the achievement gap for students struggling with poverty and from communities of color. Low-income students were 30% more likely to miss three or more days in the month prior to the NAEP and scored lower than their affluent peers. They also scored 10 points less than those with perfect attendance [49]. See Table 5. For the 4th grade, 29% of Native American students reported 3 or more absence days in the month prior to the NAEP; African American students reported 22%; Hispanics reported 20%; and white students reported 19%. In the 8th grade, 3% of Native American

students reported 3 or more absence days in the month prior to the NAEP; African Americans reported 22%; Hispanics reported 21%; whites reported 19%; and Asian Americans reported the lowest rate at 10%. The study also shows that poor attendance in the first month of school predicted chronic absenteeism for the entire year.

Table 5. Achievement and Attendance: State by State Analysis for Eighth Grade Reading and Math.

STATE	Days Absent for Month Prior to Taking NAEP			Diff. In NAEP score: none minus 3 or more days absent prior month
	None	1–2 days	3 or more days	
National	271	269	258	13
Alabama	260	259	249	11
Alaska	NA	NA	NA	NA
Arizona	264	262	253	11
Arkansas	264	264	253	11
California	266	261	251	14
Colorado	274	274	263	11
Connecticut	280	274	264	17
Delaware	268	269	258	14
District of Columbia	253	251	239	14
Florida	271	266	257	14
Georgia	268	265	256	12
Hawaii	265	259	250	15
Idaho	273	272	262	10
Illinois	270	268	255	15
Indiana	271	266	258	14
Iowa	273	269	261	12
Kansas	270	268	260	10
Kentucky	273	271	261	11
Louisiana	261	259	247	13
Maine	272	273	256	13
Maryland	279	275	262	16
Massachusetts	280	278	267	14
Michigan	271	266	258	13
Minnesota	274	272	261	13
Mississippi	255	268	260	10
Missouri	270	268	260	10
Montana	274	275	266	8
Nebraska	272	272	260	12
Nevada	266	262	253	14
New Hampshire	277	277	265	11
New Jersey	279	277	268	11

Table 5. *Cont.*

STATE	Days Absent for Month Prior to Taking NAEP			Diff. In NAEP score: none minus 3 or more days absent prior month
	None	1–2 days	3 or more days	
New Mexico	260	258	248	12
New York	272	267	256	16
North Caroline	267	268	254	13
North Dakota	269	270	262	7
Ohio	274	270	259	16
Oklahoma	266	264	255	11
Oregon	272	269	263	9
Pennsylvania	276	274	263	13
Rhode Island	274	265	256	17
South Carolina	265	263	251	14
South Dakota	271	270	260	11
Tennessee	268	267	256	12
Texas	268	263	256	12
Utah	274	270	264	10
Vermont	277	276	267	10
Virginia	271	270	257	13
Washington	275	273	265	10
West Virginia	263	257	250	13
Wisconsin	272	269	257	16
Wyoming	273	273	266	7

* State NAEP scores for reading, grade 8, by days absent from school in the prior month: 2013, A 10 points difference is about equivalent to a one-year gain on NAEP between grades 4 and 8 in Reading and Math. [49].

Chronic Absenteeism and school truancy in middle and high school are linked to low achievement, dropping out of school, and criminal behavior [5,43]. However, early elementary school attendance is equally as important as secondary school attendance. A study on chronic school absenteeism among early elementary school students revealed a significant level of absenteeism among low-income children and confirmed detrimental effects with varying levels by income and race [28]. The study revealed that children missed 5 days in kindergarten, 4.5 days in first grade, and 3.7 days in both the third and fifth grades. Almost 14% of the kindergartners, 12% of first graders, 11% of third graders and 10% of fifth graders were at-risk absentees. Students were identified as chronic absentees who missed 18 days or more of the school year. Kindergarten students were at risk of chronic absenteeism at a rate of 25% [28]. Kindergarten absenteeism affects a child's ability to develop the grit and perseverance to succeed in school [54]. It also affects academic performance, social-emotional development and can predict whether a child will be held back in the third grade [54].

The Houston Independent School District (HISD), the largest school district in Texas and the seventh-largest in the United States, had a student enrollment of 231,000 in 2015, of which 9.3% were chronically absent, missing 18 or more days of school [55]. For state funding, the district reported an average daily attendance (ADA) rate of 95.5. The HISD has a student body of 62.1% Hispanic; 24.9% African American; 8.2% White; 3.6% Asian; and 1.2% other. The HISD student enrollment consists of 75.5% low-income; 66.8% at-risk; 93% eligible for Title I services; and 30% English Language Learners. In HISD, chronically absent students were categorized as 86% low income; 56% Hispanic; 36% African American; and five% White [55]. See Table 6.

Table 6. The Houston Independent School District (HISD) Grade-Level Truancy Table.

Grade Level	No. of Students with Chronic Absences	Percent
Pre-Kindergarten	2247	10%
Kindergarten	1885	8%
First grade	1123	5%
Second grade	792	3%
Third grade	648	3%
Fourth grade	592	2.7%
Fifth grade	559	2.6%
Sixth grade	998	5%
Seventh grade	1.380	6%
Eighth grade	1412	7%
Ninth grade	3197	15%
Tenth grade	2236	10%
Eleventh grade	2149	10%
Twelfth grade	2694	13%
TOTAL	**21,412**	

5.11. Truancy: Family Economic Status and Race

Factors affecting being at-risk or chronic absenteeism include family economic status and race. The data show that the lower the family income, the higher the absentee rates. In HISD, 86% of chronically absent students were low-income [52]. Nationally, Native American children have the highest rates of absenteeism, followed by Hispanics, African Americans, and whites. Asian American children have the lowest rate of absenteeism [28]. According to state and federal data, truants tend to be overwhelmingly African American and Hispanic. The Texas data for 2010–2011 show 60,445 students were categorized as truant or chronically absent using one of three criminal categories. African American made up 12.9% of the state population, but 20% were fined for truant offenses [51]. Hispanics made up 50% of the state population but 60% of truant offenses. See Table 3. The Texas data show that 76% of truants lived in poverty [51]. In 2014, Texas reported 93,786 Class C misdemeanor truant cases in Justice of the Peace Courts, municipal courts and specialized constitutional courts [8]. See Table 2.

Nationally, truants are almost equally represented by males and females with almost 50% living in single-parent households and 33% in poverty. While truancy spikes in the 9th grade, it is also a problem in elementary [36,55,56]. The data suggest that children learn school attendance habits in kindergarten. Primary attendance data may also predict success in the 3rd grade. Almost 50% of kindergarten chronic absentees were also absentees in the first grade [28]. According to the Barbara Bush Foundation [55], HISD truancy spikes in the 9th grade, followed by prekindergarten, the 12th grade and the 11th grade. See Table 4.

Research shows that family factors contribute to truancy [33]. Often, students cannot attend school because they must care for an ill family member or provide child care. Students may not attend school because their family does not value education and going to school, or the school does not engage the community [33]. Family social and economic factors such as poverty, the lack of stable affordable housing and limited access to health care affect school attendance [33]. Data show that children living in poverty are 25% more likely to miss three or more days of school per month when compared with children from higher income families [28]. Food insecurity and hunger has been associated with absenteeism [33]. Housing instability and conditions, homelessness and student mobility are economic factors related to school absences [33]. As child safety, employment and community expansion change family transportation, it becomes more complicated and contributes to absenteeism.

Pierce v. Society of Sisters affirmed compulsory school attendance and the role of parents as student guardians. All state laws require that the parent or guardian be responsible for student attendance. Truancy laws generally target parents because, as the reasoning goes, they have violated the state's attendance laws by not getting their children to school. The policy for truancy laws has emerged from case law and the legal theory that parents are legally responsible for providing physical, educational, psychological, emotional and medical needs of minor children. Failing to do so can lead to neglect or abuse charges in most states [9]. Educational neglect, the legal term in many jurisdictions, is a misdemeanor that generally carries the threat of jail time and a fine. While enforcement is typically lax, the legal theory has been used to criminalize truancy as a Class C misdemeanor [8]. Many school districts invest in attendance officers [43]. In some states, peace officers perform the role of attendance officers [42]. Washington, D.C. is one of only three or four cities with dedicated truancy patrols [36]. Other jurisdictions depend on beat patrols or the occasional citywide sweep. Prosecutions are rare because schools see truancy as an issue for social services rather than the courts; however, that is not the case in states that have criminalized truancy and prosecute parents [27,44].

In all states, parents are responsible for student actions. However, all states have laws that deal with the emancipation of minors or laws that specify when and under what conditions children become independent of their parents for legal purposes [41]. Generally, the age of majority is 18.

5.12. Truancy: Socioemotional Development

A third group of factors identified as affecting chronic absenteeism included socioemotional development and less mature socioemotional functioning in the classroom and in the home. Socioemotional development included interpersonal relations, self-control and internal and external problem behaviors [28,57]. Students with lower socioemotional development or students who complained about school, were upset to go to school or claimed to be sick to stay home had higher absenteeism than those who had a greater emotional maturity [28]. A study on early absenteeism concluded that greater absenteeism in kindergarten was associated with lower achievement in reading, math and general knowledge at the end of the first grade with the greatest disadvantage for low-income and Latino children [28].

The developmental stage of adolescents often leads to a lack of mature capacity for self-regulation in emotionally charged contexts. This also makes it more difficult for youth to consider the consequences of their behavior, particularly in stressful circumstances [28]. Adolescent development is fundamentally different from adults in ways that warrant a differential treatment in the justice system [28,58,59].

5.13. Truancy: Health Factors

Student health is a fourth factor that affects student truancy [38,45,46]. A study by Henderson, et al. (2014) identified the several health factors that were associated with student attendance and overall achievement. In one study, chronic health conditions were the top reason for student absenteeism [33,39]. The most common health conditions resulting in truancy are asthma, diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), influenza, diabetes, obesity, dental health, seizure disorders, mental health and anxiety, food insecurity, housing insecurity, and vision problems [33]. Other diseases include sickle cell anemia, chronic pain, abdominal pain, musculoskeletal pain and juvenile rheumatoid arthritis [33].

Other studies also focused on chronic health conditions, including asthma [60,61], dental disease [33], and obesity [34]. In 2010, Basch reported that tooth decay is the single most common chronic disease of childhood, affecting nearly 60% of children [60]. Low-income children are twelve times more likely to lose school for health-related factors as non-low-income children [62,63]. Geier, et al., [34] reported that obese children were absent significantly more than the normal weight children. Obesity affects social difficulties and behavior problems. It is often combined with medical conditions like asthma [34]. The use of school-based health centers, school nurses and nurse practitioners improves school attendance [49,63].

Conduct disorder, as defined by the medical community, is a health factor that affects truancy. The research on conduct disorder is mixed. For example, psychiatrists consider truancy one of the main symptoms of oppositional defiant disorder, or the more serious diagnosis of conduct disorder. Race and racism during periods of public killings of Blacks, like during the Civil Rights period and at Emanuel African Methodist Episcopal Church in Charleston, may be categorized as a symptom of oppositional defiant disorder or emotional disorder as a health factor affecting truancy. No studies were found on racism as a symptom of oppositional defiant disorder or conduct disorder. However, a 1950 study on Anti-Semitism was reviewed where 27 sick people undergoing psychoanalysis and 13 clients of social service organizations revealed anxieties that predisposed feelings of anti-Semitism. The study revealed that anxieties, a confused self-image, poor interpersonal relations, fear of being different, impaired ability to adapt to external objects, undeveloped value systems were factors that predispose to anti-Semitism. The study concluded that social factors determine how much aggression is expressed.

More current research links conduct disorder more directly to environmental factors. The focus for treatment has turned to family and community-based intervention at the NYU School of Medicine, Child Study Clinic. In one study, conduct disorder was described as a disorder of persistent antisocial behavior and aggression [45]. Some studies focus on the relationship between conduct disorder and ADHD or some other disability [45]. Disability is defined by the Code of Federal Regulation, Title 34, Section 300.7(c) [64] (ii). Internal disorders include depression, anxiety, fears and phobias, obsessive-compulsive disorder and panic disorder. External disorders include ADHD, conduct disorder, fighting, bullying, cursing and other forms of violence.

Research by Rubia, et al. [45] focused on conduct disorder-specific abnormalities in neurobiological correlates of motivation and sustained attention with children and adolescents with pure conduct disorder and pure ADHD. The definitions of conduct disorder are grounded in medical conditions which may also be associated with extreme truancy violations [45]. Nock, Kazdin, Hiripi, and Kessler provided research cautions that the use of conduct disorder for truancy violations should be aligned with health/medical research rather than the general student population. Conduct disorder has been reframed in the recent research on zero tolerance discipline policies that criminalize student behavior [27,65,66].

Children who are truant because of health factors and who do not graduate are more likely to follow a cycle of poverty and poor health outcomes, including smoking, being overweight and having diabetes. Children who are chronically truant are also less likely to have access to health care. Rather than immediately seeing a doctor for an illness and immediately returning to school, they are more likely to stay home until their health improves.

It is not surprising to find that the research on family factors, economic status, race, socioemotional development and health are aligned with the reasons parents give judges in their defense for Class C Misdemeanor citations. When 75% of the students and parents fined in student truancy cases are low income, fines may disrupt a family budget. In courtroom observations (2010–2012), parents provided the following reasons for student truancy:

1. The parent goes to work and depends on other children to send siblings to school;
2. There's only one car in the family and mom has to drive dad to work and does not return in time to get younger children to school;
3. Family has no transportation and depends on school or public bus system;
4. Mother does not know school hours for Disciplinary Alternative Education Programs;
5. Poor children do not have regular access to health care and are sick longer;
6. Low-income children with health problems and no health care miss school;
7. Students give many reasons for not going to school, including peer pressure, fear of bullies, and having to stay home to be a caretaker for younger siblings;

8. One of the most common reasons is that a student will skip school because mom and dad leave for work early and no one is at home to supervise school attendance.

5.14. Truancy and School Organization

According to Kronholz [36], truancy may be found in schools with tight rules for students who are in bodies and minds that crave more independence and seek a caring adult or friends in a big school where teachers are pressured to boost achievement with a lack of relatedness [36]. The use of expectancy-value theory asserts that students weigh what they gain vs. what they give up by going to class. If students have relationships and friends in school, they are more likely to want to be part of the school's social environments. Families may contribute to student dysfunctions but dysfunctions in the school climate and culture also contribute to truancy [36].

A study by the National Center for Education Statistics (2012–2013) estimates that 41% of public schools with portable buildings had fair or poor ventilation conditions [67,68]. Outdated portable classrooms are expensive to heat, maintain and may encourage mold and mildew creating, thus exacerbating respirator and allergic conditions [69]. Bringing facilities up to standards reduce student absences due to illness by approximately 3.4 percent [69]. Under-resourced schools may not have the financial resources to pay for counselors, special education and teachers to reduce classroom size. Large urban and suburban schools that enroll a majority of black and Hispanic students often operate with tight budgets in low-resourced and low-income schools [33,63]. Under-funded schools increase student disengagement and absence behavior [33].

The role of school climate and culture determines if children feel accepted, welcome and safe at school. School climate factors, such as punitive student discipline policies, bullying and harassment impact education equity and opportunity for students [6]. The role of school climate is also affected by demographics, including approximately 50 million students in 2014 [33]. Of the total pre-kindergarten-12th grade enrollment, students were 50% white, 16% black, 26% Hispanic, and the remaining 8% are Asian American/Pacific Islander, American Indian/Alaska Native and mixed race [6]. In 2012, 82% of the 3.4 million public school teachers were non-Hispanic white, 7% non-Hispanic Black and 8% were Hispanic [50]. This demographic disconnect may also create cultural divides between students and teachers. The cultural divide contributes to the difficulties students from disadvantaged communities have in finding more success [27]. Language has presented one of the most dramatic transformations to public schools with the rise of students whose first language is not English [38]. Data for school administrators showed that there were 90,500 public and charter school principals in the U.S. [67] The cultural divide between students and administrators is evident with principal data of 11% African American, 7% Hispanic, 81% White, 0.7% Native American, 0.7% Asian, and 0.5% mixed [67]. Teachers and administrators do not have to reflect the student body, but it is important that students identify with people in the school. Even more, it is important that students see that the groups they represent are valued and respected enough to be leaders in the educational process. Cultural connections are evident in teachers and administrators who nurture the development and success of children who are culturally, economically and linguistically different [2,27].

School size, tight budgets and punitive school-to-prison-discipline policies also play a role in affecting school attendance [6,27,33]. Punitive discipline policies disproportionately suspend and expel black, Hispanic, low-income and at-risk students, often the same students as those with chronic truancy [27,65]. Punitive policies increasingly create a dropping out-of-school culture that increases chronic absenteeism and poor achievement for low-income and students of color [2,27].

6. Data and Analysis

While the research identifies several major factors that affect truancy, 40 states regard their truancy policy as a status offense [27,44,67]. A status offense is a violation of the law only because of the youth's status as a minor and not the seriousness of the crime for anyone under the age of 18 [41]; however, the offense creates a criminal record that must be formally expunged [27,41]. Approximately 20% of all

juvenile arrests involve status offenses [13,41]. Fifty percent of all status offenses are for truancy [13]. Truancy is categorized as a status offense based on the state designated number of days absent without a valid excuse, ranging from three days a year to 18 absences [13].

The law and order, get-tough approach on school truancy provides fines and jail time for parents. In Reading, Pennsylvania, a 55-year-old single mother of eight was incarcerated for two days because she owed more than $2,000 in fines and court costs related to the truancy of two of her teenage sons [44]. The parent suffered from a number of health problems and without access to her medications for high blood pressure, anxiety and bipolar disorder. She died in jail. This parent was unemployed and lived in a house owned by a relative. An older son stated that caring for her family was a struggle: "My brothers, despite truancy, are good kids. They are not out running the streets committing crimes." Since 2000, Berks County has been jailing 1600 parents, mostly mothers, for failure to pay truancy fines. The Pennsylvania state truancy policy requires that after "three days of unexcused absence from school," students and the responsible parent are referred to court and fined $300 per additional unexcused absence. Court costs are added for the parent plus each unexcused student. The parent had children in schools that were in different jurisdictions; consequently, she attended court under two judges for 55 truancy charges [44]. One judge discussed the case with her and cleared it. The second judge ordered the parent to document her inability to pay the truancy fees. When she failed to do so, he issued an arrest warrant and sent her to jail where she died [44].

While arrests of truant students and their parents are declining in most states, more than 150,000 annually are fined and pay court costs. Goldstein [44] reports that over 1,000 truant students are removed from their homes each year and placed in foster homes, group homes or juvenile detention centers for nothing more than absences from school. In addition, 15,000 truants are placed on juvenile probation. Probation is followed by probation violations like breaking curfew or missing additional days of school, leading to detention or out-of-home placement. Since truancy court violations are not kept by the districts, other than news articles, there are no reliable data on the legal consequences faced by parents [44].

In October 2014, the Florida State Attorney's office issued warrants for the arrests of 44 Jacksonville parents of truant students [44]. Parents faced probation, fines and up to a year in jail for contributing to the delinquency of a minor. One married couple was arrested after their daughter made the honor roll but missed 40 school days over three years. The district disregarded the student's medical documentation for her absences [44]. In California, Orange County police conducted a truancy sweep and arrested six parents, walking them in handcuffs in front of the media. One parent was arrested for the crime of failing to complete the community service assigned by a judge [44].

Research shows the effects of school attendance on achievement, school drop-outs and poor behavior [44]. Criminalizing truancy has not increased attendance rates or decreased long-term crime [44]. Criminalization pushes students away from school and forces poor and minority families deeper into poverty [44]. The indirect intent of 2015 truancy policy reflects the vision of the1889 Chicago Board of Education: "We should rightfully have the power to arrest all these little beggars, loafers, and vagabonds that infest our city . . . and place them in schools where they are compelled to receive an education and learn moral principles" [41,44]. In 1889, 25% of the juveniles jailed at the Chicago House of Correction were for truancy; [41,44]. In 2013, 50% of all juvenile arrests for status offenses were for truancy [13].

States with law-and-order truancy policies are New Mexico, Georgia, Delaware, Florida, California, Michigan, Texas, West Virginia and Nebraska [21,22]. A West Virginia Supreme Court Justice ran for reelection on the platform to stop truancy and crime in West Virginia, giving lectures on what she called the major driver of crime [43]. Political agendas that identify truant students as "little beggars, loafers, and vagabonds that infest our city" are more common [45].

According to state and federal data, chronic absentees tend to be overwhelmingly African American and Hispanic. Texas data show that in one year there were 60,445 truants, of which 20% were African American while they only make up 12.9% of state enrollment. Hispanics make up 60%

of the chronically absent students while they make up 50% of state enrollment. See Tables 2 and 3. In Texas, 75% of chronic absentees live in poverty. While truancy spikes in the 9th grade, it is also a problem in elementary school [36,56]. Truancy is the first and best indicator that a student is headed for trouble [7,28,33]. Truancy affects student achievement, including poor performance on standardized tests [49,70] and high school dropout rates [64]. Messacar and Oreopoulous proposed that in order to decrease truancy and student dropout rates, all states need to change the state policy and increase their minimum school leaving age to eighteen.

Truancy research focuses on national truancy problems, the definition of truancy, factors affecting truancy, parent responsibilities and state truancy laws. From 1830 to 1890, reformers concluded that truant children should be compelled to attend school because it was that very group who needed training the most [19]. Truants learned "to disobey their parents, prevarication, falsehood, obscenity, profanity, lewdness, intemperance, petty thievery, larceny, burglary, robbery, and murder" [41]. The 1990s saw an increase in low-income students of color, a new immigrant population and an attendance policy that reflected the same language of 1830 to 1890; [41,70]. In the 1890s, truancy or an unexcused absence from school was linked to substance abuse, gang activity and involvement in criminal activities such as burglary, theft and vandalism (Bell, Rosen, and Dynlacht, 1994; Dryfoos, Garry, 1996; Huizinga, Loeber, and Thronberry, 1995; Rohrman, 1993). The juvenile would have an increased propensity for violent behavior. One hundred years later, the language of truancy policy of 1990 reflected the language of 1830–1890. Compulsory attendance was aimed at the "deviant minority" at the bottom of the social structure [41]. In 2000, compulsory attendance/truancy targeted minority, low-income and culturally different children.

School compulsory attendance policy should provide a comprehensive package of retention and prevention policies that keep students engaged throughout their schooling [3]. Comprehensive compulsory school strategies need to start with preschool parents who tend to keep four and five-year-olds at home. In many states, free pre-kindergarten and kindergarten programs and compulsory attendance would promote regular school attendance at an early age. Many states do not require pre-kindergarten and kindergarten attendance [21,22]. Combating early disengagement must be accompanied with the opportunity to attend school early.

School districts cannot fight chronic absenteeism alone. The research on absenteeism and truancy outlines several inter-related factors, including school success, family, race, socioemotional and social competency, health, school organization and state policy [5]. School districts must bring in state, county and city institutions that provide services to families and youth including: Department of Homeless Services; Department of Aging; several private sector and non-profit community partners; etc. [5]. The following courts must be involved in the solution to chronic absenteeism: municipal courts that hear student truancy cases; County Justice-of-the Peace Courts; and other courts that hear juvenile status offenses. The battle against chronic absenteeism needs collaboration between schools, service providers, health providers, juvenile court systems and a city-wide awareness.

School culture and climate need to change. School organizations need to involve parents using home languages. Parents cannot be excluded because they speak Spanish or Vietnamese: "those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations" [40]. While parents have legal responsibilities, they also have the right to direct their children's education. Parent involvement includes a focus on family services, which may contain one-to-one counseling with parents, established treatment goals, therapy, effective social skills and the use of treatment models. Family services provide support, are family-centered, home-based and strengthen the family [2]. Family services may be as intensive and extensive as the family needs. In 2010, the U.S. Department of Education issued a challenge to parents in the policy for *Parent Power*. In 2012, Karen Mapp introduced *The Family Engagement Capacity Building Framework* to build capacity for effective family and community engagement [2]. The goal of family services is to help children through family.

Reducing absenteeism increases achievement and student engagement while improving average daily attendance and school funding. Resources need to be allocated to address absenteeism by reducing class sizes, hiring university students as real mentors, and setting, communicating and achieving high academic standards [2,3,5]. One of the potentially most powerful tools to use to meaningfully reduce chronic absenteeism is the use of paid college mentors [9].

There are numerous technologies to address absenteeism, including simple clock ownership for students, cell phone wake-up calls and assisting with transportation. School administrators must take responsibility for decreasing chronic absenteeism. Weekly campus meetings can be used to highlight school-wide attendance data patterns and trends to provide collaborative intervention and assessment [5]. Research shows that half the students who missed two to four days in September became chronically absent for the year, missing an average of 25 days. Some students who were absent more days became averaged 70 absences in the school year [56]. The loss of instructional time for primary grade students often meant lower reading skills by the 3rd grade [56]. Administrators can use data for prevention measures. Over the summer, they can identify and develop the first list of chronic absentees to monitor the first week of school; catch early warning signs for students at risk of chronic absenteeism; monitor targeted students' progress and provide intervention services if necessary. Mobilize community partners, agencies and mentors by providing them with a second list of students at risk of chronic absenteeism [5].

Research and attendance data can be used by administrators to draft the second list of truant students from attendance records for the first month of the fall semester. By September 30th, they will have a list of students to identify for truancy prevention based on individual needs. Administrators measure, monitor and act on prevention measures while working with community partners, agencies, and mentors [5]. Students and families will emerge from truancy through the preventive process. Data need to be developed to identify the criteria for families in "deep poverty," such as a student: living in public housing; facing allegations of abuse or neglect; and being in low community educational and income levels. In addition, consider school criteria, like stability, safety, administrative turnover and teacher quality. Finally, consider discipline and school-to-prison data [27,38,71]. Complex cases should be assessed and evaluated for extensive one-to-one services, including alternative education centers.

Districts and schools ought to consider the data that identify and predict absenteeism. While elementary school chronic absenteeism has actually decreased from 23%, in kindergarten to 5th grade in 2009, to 19%, in 2013 in some urban schools, the primary grades remain the target for developing attendance habits [38]. Attendance may not increase for schools in deep poverty, lacking transportation and access to health services, based on the measures developed by the district. Absenteeism is marked by dips, such as bad weather, flu season and other illnesses. School-based clinics have been found to decrease student absence [63,70]. Other factors that will affect absenteeism are homelessness, child maltreatment and the mother's education level [38].

Paul Reville [71] and the state of California may have the solution. Reville calls for a redesign of systems for youth development and education with three critical initial elements:

- Differentiated schooling to provide each student with the personalized instruction, services and support they need to be successful;
- Integrated health and human services and education institutions that eliminate barriers to children coming to school and being ready to learn;
- Equal access to out-of-school enrichment, such as sports, travel, tutoring, music lessons, books, and computers, that is as important as learning in the classroom [71].

Within this recommendation is the replacement of punitive programs with alternative schools that promote finishing school [29].

The most important policy recommendation for school attendance in the U.S. is that local, state and federal governments work to develop the following:

1. A standard definition that clarifies whether chronic absence includes excused and unexcused absences, as well as days missed due to suspensions or switching schools. A national standard definition will make state comparisons across all schools and districts possible [72].
2. A national definition of chronic absence for the purpose of reporting and comparing attendance rates by grade level [6].
3. Chronic absence data using district, school, grade level and student subgroup data available in school and district data report cards [6].
4. Meaningful, culturally and linguistically relevant parent involvement similar to the research provided by Mapp [2].
5. A public awareness campaign in every school district [6].
6. Early warning systems for kindergarten and third grade retention by calling on the militia to help students and families.
7. High school warning methods to track attendance and address drop out behavior.
8. A campaign for states and school districts to consider including chronic absenteeism into their state developed ESSA accountability plans as a non-academic indicator of school success [6].

7. Conclusions

While education is the major life-transforming service the U.S. and any government provides children, school attendance is the mechanism to achieve high achievement needed for academic success, achieving in higher education, and employment. Achievement in elementary, middle, and high school leads to achievement in higher education and employment. Poor achievement leads to school dropouts, lower access to higher education, and poor employment. Attendance policies ought to make education accessible rather than acting to disproportionately exclude low-income and minority students from public schools. According to the research, students with fewer absences scored higher in reading and mathematics assessments than their peers with more absences. In 2017, the percentage of 8th-graders who reported that they had zero absences from school in the last month was higher for Asian students (62 percent) than for students who were Black (42 percent), White, Hispanic, of two or more races (40 percent each), Pacifica Islander (38 percent), and American Indian/Alaska Native (35 percent) [73].

U.S. education history guides the conclusions showing achievement data show few changes in student achievement. During the period between 1850 and 1890, most states had passed compulsory attendance legislation with an increase in the cost of education jumping from $7 million to $147 million. African Americans were 90% illiterate in 1870 and immigrants had less literacy than native born [19,20]. In 2018, every state had compulsory school laws and African Americans and Hispanics/Latinx/immigrants have lower achievement than Whites. The National Assessment for Educational Progress (NAEP) reported 8th grade reading proficiency among subgroups as 46% for Whites, 17% for Blacks and 22% for Hispanics [49]. People of color continue to have lower reading and math scores than white students [73].

As this study shows, simple law and order school attendance policies have not met the complex needs of large, diverse student populations. Changes in policies, practice and will are essential to assure equitable access to education rather than disproportionate exclusion of children of color and low-income families. Education is the major life-transforming service U.S. students receive. Attendance policies ought to make education accessible rather than acting to disproportionately exclude low-income and minority students from public schools [74].

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