

Some parents are prosecuted or fined when children miss school

A judge in Missouri sentenced a single mother to jail when her kindergartner missed school. Student truancy can still go to court.



By [Donna St. George](#)

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The 5-year-old missed school for a doctor's appointment. The next day he had a fever. Once, his mother had car trouble, and the boy missed a day. Another time, his family fell sick with covid-19. And then there was the day he missed school when his mother brought him to his brother's medical appointment, knowing she would not make it to school pickup on time.

The kindergartner racked up 14 absences in five or so months — half of them without explanation — according to his Missouri school district, which steered the case to prosecutors. His mother, [Tamarae LaRue](#), was convicted of violating the state's compulsory attendance law, a verdict the state Supreme Court upheld several months ago.

The episode ultimately sent LaRue to jail for 15 days — her case showing some of the more punitive stakes as chronic student absenteeism remains at near-record highs and many areas around the country seek to combat the problem.

“We see a lot of states that have policies where parents can be sanctioned for truancy,” said [Nina Salomon](#), [deputy division director](#) of corrections and reentry with the Council of State Governments Justice Center. “They can end up in jail. They can have a significant number of fines or fees associated with a truancy petition. There are a lot of different approaches across the country.”

More than 14.7 million students across the country were considered “chronically absent” in 2021-2022 — [80 percent higher than before the pandemic, according to researchers](#). Chronic absenteeism typically means missing at least 18 days of a school year, or 10 percent, excused or unexcused.

School officials often work with families to resolve problems that hamper attendance. But students with multiple unexcused absences may also be found “truant,” which can lead to more-severe consequences.

“There is a crazy number of kids that still end up at the juvenile justice system because of truancy,” said Robert Balfanz, a professor at Johns Hopkins University School of Education who studies the issue.

Even so, truancy is complex. State laws are widely different. Three missed school days with no excuse can make a student truant in Pennsylvania, but it can take 15 days within a semester in Maryland. Adding to that, school districts and prosecutors don’t always enforce truancy laws. National data is limited, given the hodgepodge of state definitions.

Still, it’s been clear for years that missing school matters.

Children fall behind in their classes. They are at greater risk of failing a grade and dropping out of school. They often grow disconnected from teachers and friends. They miss out on school services, including free meals and mental health support.

Some local officials appear to be working harder to head that off.

In Mobile County, Ala., the district attorney’s office sent nearly 53,000 letters to families last school year warning about excessive unexcused absences. Almost 500 cases went to court, mostly involving parents.

But this school year, a new team of social workers — part of a Helping Families Initiative — has worked with 2,370 families, intervening before students became severely truant, said District Attorney Keith Blackwood. Just 10 cases have been steered to court, he said.

“Prosecution still exists for truancy,” said Blackwood, who launched the program in August. “That’s not going to change. I want to do some things to make it more effective. But the goal ... is to make it such that these court petitions don’t get filed because nobody’s truant.”

In Maryland’s Montgomery County, several hundred middle school students a year participate in a truancy prevention program that officials say is slated to expand. John McCarthy, the state’s attorney who helped create the program, said it is “needed now more than ever.”

Absenteeism is not just about students who “skip” school for fun. Some students miss classes because they care for younger siblings or take jobs to help pay the bills. Some have no way to get to school if they miss the bus. Some avoid going as much as possible because they get bullied at school or because they struggle with anxiety and depression.

Some students also are scared to walk to school, fearing they will get beaten up or harassed along the way, said Ana Rodriguez, a D.C. parent and education advocate. “Safety and transportation are the number one things,” she said.

Outside of Knoxville, Tenn., Dan Jenkins, principal of Clinton High School, recalls a time — maybe 15 years ago or so — when approaches to truancy were far more punitive. Now, he said, a student can still land in court but only after repeated interventions. “We try to help the kid and the family first,” he said.

His school district — [Anderson County Schools](#) — uses an array of methods to zero in on why kids are absent. “We find those students, we make contact, we text, we call, we email, we go to the homes for home visits,” said Paula Sellers, director of student services. “If there’s a barrier for a family or a student that we can easily remove, we want to do that.”

One example: Some students can’t bear to show up with dirty clothes. Their families may be homeless or simply lack money for a laundromat. But in the past couple of years, the district — like many others around the country — has equipped a number of schools with washing machines and dryers.

“It’s made a huge difference,” said Sellers. “We can’t educate them if we can’t get them to us.”

The idea of truancy goes [back to the 19th century](#), when states began to pass compulsory school attendance laws. Requirements evolved as public sentiment changed over the years about how much schooling should be required and what to do when students failed to comply.

Court diversion programs and prevention initiatives go back a ways, too. Today, some school districts monitor truancy closely and follow the letter of the law, while others avoid court referrals or refer only extreme cases to prosecutors, experts say.

Some schools suspend students for missing school days without an excuse — an idea that [Daniel Losen](#), a [longtime researcher](#) on student discipline and senior director of education at the National Center for Youth Law, finds hard to comprehend. “It’s absurd,” he said. “What’s the point of suspending a kid for not showing up? They’re just missing more school.”

As with many school infractions, racial and ethnic disparities exist in truancy cases. [Research shows that absences for Native American, Black and Hispanic students](#) were more often described as unexcused and more frequently referred to courts for truancy than those of their peers, said Clea McNeely, a professor at University of Tennessee at Knoxville.

Efforts to improve state laws have helped, but not enough, some critics argue.

In Texas, lawmakers passed legislation to decriminalize the state's truancy system in 2015. School districts must first try to intervene without court involvement — through parent meetings, an action plan and counseling, mediation, mentoring or other strategies.

But advocates say districts are not always effective with interventions, so it does not consistently keep students out of court. And Renuka Rege, policy adviser with the research and advocacy organization Texas Appleseed, points out that when a student is excessively truant in Texas, courts can take the unusual step of ordering the student to drop out and get a GED instead — which happened to at least 700 students in 2021-2022, according to state data.

“This is very, very counter to the goal of addressing what's causing the absences and trying to get them reengaged in school,” said Rege.

Others have urged that truancy laws in Texas be tightened again. In 2023, Rep. Gary VanDeaver, a Republican in northeast Texas, pressed for a measure to step up fines and relieve school systems of using truancy prevention measures before sending a student to truancy court if the district had done so in previous school years.

Like Texas, Pennsylvania took up the problem around 2015, revising its laws to de-emphasize truancy prosecutions.

There, the issue came to wide public attention in 2014, when Eileen DiNino, a mother of seven in Reading, Pa., was sentenced to two days in jail for accumulating \$2,000 in fines and court costs related to her children's truancy offenses over many years. Halfway through her jail time, she died of natural causes — away from her children, amid concerns about the level of care she received.

Missouri may have the most notable truancy case of the past year.

Ellen Flottman, an attorney with the Missouri state public defender's office who handled LaRue's case and a similar one before the state Supreme Court, said she plans to appeal again to the U.S. Supreme Court. That's a long shot, she admits. But she argues Missouri's law is overly vague — saying students must attend school on a “regular” basis, without defining the term. She asserts that violates constitutional due process protections.

The Lebanon R-3 School District, where LaRue's son was absent, said in a statement that its first step in absenteeism cases is to work collaboratively with students and families.

“In most cases, we strive to resolve absenteeism concerns without involving the court system,” the district said, adding that that may change if a student's needs are being significantly compromised. “This decision is not taken lightly, and we work closely with legal counsel and relevant agencies to ensure that the best interests of the student are safeguarded.”

In arguing the case involving LaRue, the state's attorney general noted that the school system sent letters and made calls about the problem, trying to resolve it. The boy attended roughly 85 percent of school days, state officials said in a brief. The school district's handbook said students must attend 90 percent or more.

Flottman debated the state's math. Advocates say it's wrong to sanction parents with jail time. LaRue is a single mother, with a son in kindergarten. Her case was considered with that of another single mother, Caitlyn Williams, who had been charged around the same time with violating compulsory attendance laws for her first-grade daughter's absences.

The state Supreme Court ultimately decided that the percentage of absences did not matter because state law required attending school regularly when school was in session. Both mothers permitted multiple days of unexplained absences, it said.

"Many parents take their kids out of school for the start of hunting season or to go to Disney World for a week," said Flottman. "But you don't see prosecutors charging those parents — only indigent, single mothers who lack the resources to get their kids to school."