

## U.S. NEWS

# Missouri Lays Down Law for Missed School

Poor attendance can mean jail for parents, a rule now contested in case at high court

By SHANNON NAJMABADI

LEBANON, Mo.—Missouri parents can be jailed if their children don't attend school regularly. The problem, according to a court filing in a case now before Missouri's Supreme Court: "Nobody has a clue what 'regularly' means."

The litigation involves two mothers, each with a young child who missed about 15 days of class at Lebanon R-III School District in the 2021-22 school year. The mothers called in to explain some of the absences—ear infection, bad cough, a doctor's appointment an hour away—but both were referred to prosecutors and sentenced to jail.

Officials with the southwestern Missouri school district of 4,500 students said they should maintain an attendance rate of at least 90%, an expectation set out in school handbooks. When students don't, their parents are contacted through letters, phone calls and in-person visits, and referred to prosecutors if attendance doesn't improve.

"School attendance is crucial for a student's academic, social and personal development," said Jacy Overstreet, a spokeswoman for the district, who said involving the court system is a last resort. "Our first approach is to work collaboratively with students, their families and our dedicated staff members to identify the underlying reasons for the absences."

Public schools receive funding based in part on student attendance rates, adding a financial incentive.

No state law says students must attend 90% of the time. Missouri's statute requires "regular" attendance, a standard the mothers' lawyers said is unconstitutionally vague and gives school officials and other local authorities wide discretion to choose which parents to charge.

Tamarae LaRue, one of the mothers whose case is being heard by the Supreme Court, said it felt as though she was being bullied by the district after her four boys had several absences because of Covid illness, car trouble and other issues. She said she began having panic attacks, afraid she would be penalized if she was late dropping off her four sons at different schools in Lebanon.

"I was busting my tail trying



Tamarae LaRue served 15 days in jail after her four boys had several absences because of Covid, car trouble and other issues.

to make sure they had all the proof they need—all the doctor's notes they need—calling them while at the eye doctor," LaRue, 32 years old, said of the school district, speaking from the gas station she manages with her mother. LaRue ended up serving 15 days in jail.

Between the start of 2018 and June 2023, nearly 600 charges were filed for violations of Missouri's compulsory-education law, according to state data. Most resulted in guilty pleas or dismissals. Sixty-seven of the charges were filed in Laclede County, where Lebanon is. Only Buchanan County, which is significantly larger, had more

charges filed during that time.

Amy Folsom, the Laclede County prosecutor who tried both mothers' cases, didn't respond to a request for comment. The Missouri attorney general's office also didn't respond. It has argued that attendance means students should be present every day school is in session, and that small infractions are violations of the law.

More than 40 states have some kind of truancy statute that penalizes parents or students for chronic absenteeism, through penalties that can include fines, jail time, taking driver's licenses or referrals to child-welfare agencies.

In recent years, some states have modified those laws or introduced diversion programs in light of cases in which, for example, a parent died in jail or school districts or courts were found to benefit financially from the fines paid.

Truancy statutes are meant to promote regular attendance, which research shows plays an outsized role in helping children succeed academically. If a quarter or a third of students in a class are absent, for example, "the teacher is in a no-win position of either starting each class, 'Well, let's, let's review what we did yesterday'...or, 'We're moving ahead. If you weren't here,

talk to a friend and try to catch up,'" said Robert Balanz, a research professor at Johns Hopkins University's School of Education.

Attendance rates have plummeted since the onset of the Covid pandemic. Federal data has recorded large drops in math and reading scores among U.S. students during that time.

Mallory McGowin, a department spokeswoman, said neither the agency nor Missouri's statute has definitions for "regular attendance" or "chronic absenteeism."

"We are waiting to review the court's decision for guidance," McGowin said.