

By: Louderback

H.B. No. 3613

A BILL TO BE ENTITLED

AN ACT

relating to the number of unexcused absences from school that constitute truant conduct or parental contribution to nonattendance of school and a school district's discretion to refer a student to truancy court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.095(b), Education Code, is amended to read as follows:

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

(1) inform the parent that:

(A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; ~~and~~

(B) the student is subject to truancy prevention measures under Section 25.0915; and

(C) the student may be referred to a truancy court for truant conduct under Section 65.003(a), Family Code; and

(2) request a conference between school officials and the parent to discuss the absences.

SECTION 2. Section 25.0951, Education Code, is amended by adding Subsection (a-1) and amending Subsections (b) and (d) to

1 read as follows:

2 (a-1) If a student fails to attend school without excuse on
3 three or more days or parts of days within a four-week period in the
4 same school year but does not fail to attend school for the time
5 described by Subsection (a), the school district may, before the
6 10th school day after the student's third absence, refer the
7 student to a truancy court for truant conduct under Section
8 65.003(a), Family Code.

9 (b) If a student fails to attend school without excuse as
10 specified by Subsection (a) or (a-1), a school district may file a
11 complaint against the student's parent in a county, justice, or
12 municipal court for an offense under Section 25.093 if the school
13 district provides evidence of the parent's criminal negligence. In
14 this subsection, "parent" includes a person standing in parental
15 relation.

16 (d) Notwithstanding Subsection (a) or (a-1), a school
17 district may delay a referral of a student for truant conduct, or
18 may choose to not refer a student for truant conduct, if the school
19 district:

20 (1) is applying truancy prevention measures to the
21 student under Section 25.0915; and

22 (2) determines that the truancy prevention measures
23 are succeeding and it is in the best interest of the student that a
24 referral be delayed or not be made.

25 SECTION 3. Section 65.003(a), Family Code, is amended to
26 read as follows:

27 (a) A child engages in truant conduct if the child is

1 required to attend school under Section 25.085, Education Code, and
2 fails to attend school on:

3 (1) 10 or more days or parts of days within a six-month
4 period in the same school year; or

5 (2) three or more days or parts of days within a
6 four-week period in the same school year.

7 SECTION 4. The changes in law made by this Act apply
8 beginning with the 2025-2026 school year.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2025.