

BILL ANALYSIS

Senate Research Center

H.B. 316
By: Grusendorf (Brimer)
Education
5/9/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In order for Texas students to realize the full benefits of a public education, it is important that they attend school. Currently, the state has compulsory attendance requirements and attendance officers who help enforce these requirements.

H.B. 316 strengthens current law by extending the powers granted to a peace officer serving as an attendance officer to all peace officers. In addition, the bill changes the number of days a child may be absent from school.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.091, Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

- (a) Includes a district court amongst the courts in which a peace officer is authorized to file a complaint against a student.
- (a-1) Provides that a peace officer who is not serving as an attendance officer has certain powers concerning enforcement of compulsory school attendance requirements.
- (b) Includes a district court amongst the courts in which an attendance officer not commissioned as a peace officer is authorized to file a complaint against a student.

SECTION 2. Amends Section 25.093(a), Education Code, to provide for a warning issued by Section 25.095(b), rather than 25.095(a).

SECTION 3. Amends Section 25.094, Education Code, by amending Subsections (a), (b), (c), (d), and (d-1) and adding Subsection (e-1), as follows:

- (a) Provides that an individual commits an offense if the individual fails to attend school on seven, rather than 10, or more days or parts of days within a three-month, rather than six-month, period in the same school year or on three or more days or parts of days within a four-week period.
- (b) Authorizes an offense under this section to be prosecuted in a district court for the county in which the student resides or in which the school is located.
- (c) Makes conforming and nonsubstantive changes.
- (d) Makes a conforming change.
- (d-1) Makes conforming changes.
- (e-1) Authorizes each day of a violation under this section to constitute a separate offense.

SECTION 4. Amends Section 25.095, Education Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Makes conforming changes.

(b) Requires a school district to notify a student's parent by telephone and in writing if a student has had certain absences. Makes modifications to the requirements of the notice.

(b-1) Requires the school district to notify a counselor, in addition to the student's parents, at the student's school, or in the student's school district if the student's school does not have a counselor, if a student has been absent from school, without certain excuse, on three or more days or parts of days within a four-week period. Requires, to the extent practicable, on receiving the notification, the counselor to perform an assessment of the student, including the student's academic progress, to use in the required student attendance improvement plan.

SECTION 5. Amends Sections 25.0951(a) and (b), Education Code, as follows:

(a) Requires a school district to take certain action if a student fails to attend school without excuse on seven, rather than 10, or more days or parts of days within a three-month, rather than six-month, period in the same school year not later than the 15th school day after the date of the student's last absence.

(b) Makes conforming changes.

SECTION 6. Amends Section 51.03(b), Family Code, to make a conforming change.

SECTION 7. Amends Section 51.08, Family Code, by adding Subsection (e) to prohibit a juvenile court from refusing to accept the transfer of a case brought under Section 25.094 (Failure to Attend School), Education Code, for certain children if a prosecuting attorney for the court determines that the case is legally sufficient for adjudication in juvenile court.

SECTION 8. Amends the heading to Section 54.021, Family Code, to read as follows:

Sec. 54.021. DISTRICT, COUNTY, JUSTICE, OR MUNICIPAL COURT:
TRUANCY.

SECTION 9. Amends Sections 54.021(a), (b), and (c), Family Code, to make conforming changes.

SECTION 10. Amends Sections 54.04(o) and (u), Family Code, to make conforming changes.

SECTION 11. Amends Section 264.304(c), Family Code, to make conforming changes.

SECTION 12. Amends Article 45.054(a), Code of Criminal Procedure, to make a conforming change.

SECTION 13. Amends Article 45.057(c), Code of Criminal Procedure, to increase the amount a parent, managing conservator, or guardian of a child may be required to pay from \$100 to \$350 for the cost of a special program for the child.

SECTION 14. Amends Section 103.022, Government Code, to set as a court cost a fee not to exceed \$350 for the cost of participating in a program on order of a justice or municipal court.

SECTION 15. Amends Sections 29.0821(b) and (c), Education Code, as follows:

(b) Makes modifications to the list of authorized methods that a school district may utilize to provide additional instructional days for a program under this section (Optional Flexible Year Program).

(c) Deletes existing text referring to the number of instructional dates in the regular school year.

SECTION 16. Amends Section 25.081(a), Education Code, to delete existing text referring to Section 29.0821.

SECTION 17. Amends Section 42.005(a), Education Code, to make a conforming change.

SECTION 18. Makes application of this Act prospective.

SECTION 19. Effective date: September 1, 2005.