

BILL ANALYSIS

C.S.H.B. 316
By: Grusendorf
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 that help enforce these requirements.

CSHB 316 strengthens current law by extending the same rights of a peace officer serving as an attendance officer to all peace officers. In addition, the language has changed the number of days a child may be absent from school.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 316 extends the powers and duties for a peace officer who is not serving as an attendance officer. The expanded powers and duties include enforcing compulsory school attendance, serving court ordered legal process, making home visits or contacting a parent of a student in violation of the compulsory school requirements, and taking a student into custody with permission of the student's parent or in compliance of a court-ordered legal process.

An offense is committed if the individual is required to attend school under current compulsory school attendance regulations and fails to attend school on seven or more days within a three-month period in the same school year or three or more days within a four-week period. A school district or open-enrollment charter school is required to notify a parent in writing at the beginning of the school year that should a student be absent from school on seven or more days within a three-month period in the same school year or on three or more days within a four-week period the parent is subject to prosecution and the student is subject to prosecution or to referral to a juvenile court if applicable. A school district is required to notify the parent by telephone and writing if the student is absent from school, without an excuse, on three days within a four-week period. The notice is to inform the parent as to the parent's duty to monitor the student's attendance and that the parent is subject to prosecution. Additionally, the notice requires the parent to attend a conference with school officials to discuss absences, to develop a plan for improving the student's school attendance and to review legal consequences for a student's continued unexcused absences. A counselor is to be notified and assess the student's unexcused absences. If a student fails to attend school without an excuse on seven or more days within a three-month period in the same school year, a school district is required to file a complaint against the student or the student's parent or both in accordance with the law, or refer the student to juvenile court indicating a need for supervision.

CSHB 316 amends the Family Code as to conduct indicating a need for supervision by altering the number of days a child may be absent from school. In addition, courts are to determine a child is at-risk if the child engaged in unexcused voluntary absence from school on seven or more days within a three-month period or three or more days within a four-week period without the parent's or guardian's consent.

EFFECTIVE DATE

The change in law by this Act applies only to an offense committed on or after September 1, 2005. An offense committed before September 1, 2005 is covered by the law in effect when the offense was committed, and the former law is continued in effect. For the purpose of this section, an offense was committed before September 1, 2005 if any element of the offense occurred before that date.

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 316 changes language for student absences to seven or more days within a three-month period. The substitute creates language requiring a school district to notify a student's parents if the student has been absent from school without excuse and sets forth notice requirements. The substitute includes language for a student failing to attend school without an excuse with designated time periods and the actions the school district must take not later than the 10th day after the date of the student's last absence. The substitute amends the Family Code by conforming changes as to the number of absences a child may have within a stated time frame before conduct indicates a need for supervision or before a court determines the child is at-risk.