

BILL ANALYSIS

Senate Research Center
79R18652 E

C.S.H.B. 316
By: Grusendorf (Brimer)
Education
5/20/2005
Committee Report (Substituted)

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.

C.S.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 1.001(b), Education Code, to provide that this code does not apply to students, facilities, or programs under the jurisdiction of the Department of Aging and Disability Services, Department of State Health Services, the Health and Human Services Commission, rather than the Texas Department of Mental Health and Mental Retardation, and certain other entities, a Jobs Corps program operated by or under contract with the United States Department of Labor, or any juvenile probation agency.

SECTION 2. Amends Subtitle C, Title 2, Education Code, by adding Chapter 18, as follows:

CHAPTER 18. JOB CORPS DIPLOMA PROGRAMS

Sec. 18.001. DEFINITIONS. Defines "Job Corp diploma program," "diploma program," and "Job Corps training program."

Sec. 18.002. ESTABLISHMENT. (a) Authorizes Job Corp training program (training program) to establish a high school diploma program to operate public secondary schools at Job Corps facilities throughout the state.

(b) Provides that a Job Corps diploma program (diploma program) established under this chapter is separate and distinct from the United States Department of Labor.

Sec. 18.003. AUTHORITY. Authorizes a diploma program to offer a secondary school curriculum, a high school diploma program, and a General Education Development program.

Sec. 18.004. GOALS. Sets forth the goals of a diploma program.

Sec. 18.005. GOVERNANCE; LIMITATION ON POWERS; DUTIES. (a) Requires a diploma program to be governed as provided by this chapter and policies established by the training program operating the diploma program. Provides that unless otherwise provided by this chapter, a provision of this code applicable to a school district does not apply to a diploma program.

(b) Prohibits a diploma program from imposing a tax.

(c) Sets forth certain required functions of the diploma program.

Sec. 18.006. ACCOUNTABILITY. (a) Requires the commissioner of education (commissioner) to develop and implement a system of accountability consistent with Chapter 39 (Public School System Accountability), where appropriate, to be used in assigning an annual performance rating to diploma programs comparable to the ratings assigned to school districts under Section 39.072 (Accreditation Standards).

(b) Requires the accountability system to include consideration of certain information, in addition to other factors determined to be appropriate by the commissioner.

Sec. 18.007. ELIGIBILITY FOR CERTAIN PROGRAMS AND SERVICES. (a) Provides that any person enrolled in good standing in a diploma program who is not a high school graduate is eligible for programs or services under this chapter.

(b) Provides that a person's eligibility for programs and services under this chapter does not exclude the person from being eligible for an educational program or service under any other chapter of this code.

Sec. 18.008. GRANTS AND FEDERAL FUNDS. (a) Authorizes a diploma program to accept a grant from a public or private organization and to spend those funds to supplement programs and provide student services.

(b) Authorizes a diploma program to accept federal funds and to use those funds in compliance with applicable federal law, regulations, and guidelines.

Sec. 18.009. COSTS. (a) Requires a training program to pay the cost of operating its diploma program.

(b) Prohibits the operating costs of a program from being charged to a school district.

Sec. 18.010. PROGRAM EMPLOYEES. (a) Provides that diploma program employees are not considered employees of the state.

(b) Authorizes a diploma program to establish personnel policies as necessary to ensure its effective and efficient operation under this chapter.

(c) Requires a diploma program employee required under Chapter 21 (Educators) to hold a certificate if employed by a school district to be certified in accordance with that chapter.

SECTION 3. Amends Section 25.086(a), Education Code, to provide that a child is exempt from the requirements of compulsory school attendance if the child meets certain criteria.

SECTION 4. 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 5. Amends Section 25.093(a), Education Code, to provide for a warning issued by Section 25.095(b), rather than 25.095(a).

SECTION 6. 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 7. 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 8. Amends Sections 25.0951(a) and (b), Education Code, as follows:

(a) Authorizes 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 9. Amends Section 51.03(b), Family Code, to make a conforming change.

SECTION 10. 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 11. Amends the heading to Section 54.021, Family Code, to read as follows:

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

SECTION 12. Amends Sections 54.021(a), (b), and (c), Family Code, to make conforming changes.

SECTION 13. Amends Sections 54.04(o) and (u), Family Code, to make conforming changes.

SECTION 14. Amends Section 264.304(c), Family Code, to make conforming changes.

SECTION 15. Amends Article 45.054(a), Code of Criminal Procedure, to make a conforming change.

SECTION 16. Makes application of this Act prospective.

SECTION 17. Effective date: September 1, 2005.