

1-1 By: Grusendorf, et al. (Senate Sponsor - Brimer) H.B. No. 316
1-2 (In the Senate - Received from the House April 28, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Education; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 316 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a child's failure to attend school.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1.001(b), Education Code, is amended to
1-13 read as follows:

1-14 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
1-15 A, Chapter 29, or Subchapter E, Chapter 30, this code does not apply
1-16 to students, facilities, or programs under the jurisdiction of the
1-17 [~~Texas~~] Department of Aging [~~Mental Health~~] and Disability
1-18 Services, the Department of State Health Services, the Health and
1-19 Human Services Commission [~~Mental Retardation~~], the Texas Youth
1-20 Commission, [~~the Texas Department of Human Services~~], the Texas
1-21 Department of Criminal Justice, a Job Corps program operated by or
1-22 under contract with the United States Department of Labor, or any
1-23 juvenile probation agency.

1-24 SECTION 2. Subtitle C, Title 2, Education Code, is amended
1-25 by adding Chapter 18 to read as follows:

1-26 CHAPTER 18. JOB CORPS DIPLOMA PROGRAMS

1-27 Sec. 18.001. DEFINITIONS. In this chapter:

1-28 (1) "Job Corps diploma program" or "diploma program"
1-29 means a public school high school diploma program established and
1-30 operated under this chapter.

1-31 (2) "Job Corps training program" means any corporate
1-32 entity authorized to do business in the state and currently under
1-33 contract with the United States Department of Labor to operate a Job
1-34 Corps training program under the Workforce Investment Act of 1998
1-35 (29 U.S.C. Section 2801 et seq.).

1-36 Sec. 18.002. ESTABLISHMENT. (a) A Job Corps training
1-37 program may establish a high school diploma program to operate
1-38 public secondary schools at Job Corps facilities throughout the
1-39 state.

1-40 (b) A Job Corps diploma program established under this
1-41 chapter is separate and distinct from the United States Department
1-42 of Labor.

1-43 Sec. 18.003. AUTHORITY. A Job Corps diploma program may
1-44 offer a secondary school curriculum, a high school diploma program,
1-45 and a General Educational Development program.

1-46 Sec. 18.004. GOALS. The goals of a Job Corps diploma
1-47 program are to:

1-48 (1) serve at-risk students who have not been
1-49 successful in a traditional school setting;

1-50 (2) increase student success rates in obtaining and
1-51 maintaining employment; and

1-52 (3) decrease future societal costs by offering a high
1-53 school diploma program to students who would benefit from Job Corps
1-54 academic and vocational programs.

1-55 Sec. 18.005. GOVERNANCE; LIMITATION ON POWERS; DUTIES. (a)
1-56 A Job Corps diploma program shall be governed as provided by this
1-57 chapter and policies established by the Job Corps training program
1-58 operating the diploma program. Unless otherwise provided by this
1-59 chapter, a provision of this code applicable to a school district
1-60 does not apply to a Job Corps diploma program.

1-61 (b) A Job Corps diploma program may not impose a tax.

1-62 (c) A Job Corps diploma program shall:

1-63 (1) develop educational programs specifically

2-1 designed for persons eligible for enrollment in a Job Corps
2-2 training program established by the United States Department of
2-3 Labor;

2-4 (2) coordinate educational programs and services in
2-5 the diploma program with programs and services provided by the
2-6 United States Department of Labor and other federal and state
2-7 agencies and local political subdivisions and by persons who
2-8 provide programs and services under contract with the United States
2-9 Department of Labor;

2-10 (3) provide a course of instruction that includes the
2-11 required curriculum under Subchapter A, Chapter 28;

2-12 (4) require that students enrolled in the diploma
2-13 program satisfy the requirements of Section 39.025 before receiving
2-14 a diploma under this chapter; and

2-15 (5) comply with a requirement imposed under this title
2-16 or a rule adopted under this title relating to the Public Education
2-17 Information Management System (PEIMS) to the extent necessary to
2-18 determine compliance with this chapter, as determined by the
2-19 commissioner.

2-20 Sec. 18.006. ACCOUNTABILITY. (a) The commissioner shall
2-21 develop and implement a system of accountability consistent with
2-22 Chapter 39, where appropriate, to be used in assigning an annual
2-23 performance rating to Job Corps diploma programs comparable to the
2-24 ratings assigned to school districts under Section 39.072.

2-25 (b) In addition to other factors determined to be
2-26 appropriate by the commissioner, the accountability system must
2-27 include consideration of:

2-28 (1) student performance on the secondary exit-level
2-29 assessment instruments required by Section 39.023(c); and

2-30 (2) dropout rates, including dropout rates and diploma
2-31 program completion rates for the grade levels served by the diploma
2-32 program.

2-33 Sec. 18.007. ELIGIBILITY FOR CERTAIN PROGRAMS AND SERVICES.

2-34 (a) Any person enrolled in good standing in a Job Corps diploma
2-35 program who is not a high school graduate is eligible for programs
2-36 or services under this chapter.

2-37 (b) A person's eligibility for programs and services under
2-38 this chapter does not exclude the person from being eligible for an
2-39 educational program or service under any other chapter of this
2-40 code.

2-41 Sec. 18.008. GRANTS AND FEDERAL FUNDS. (a) A Job Corps
2-42 diploma program may accept a grant from a public or private
2-43 organization and may spend those funds to supplement programs and
2-44 provide student services.

2-45 (b) A diploma program may accept federal funds and shall use
2-46 those funds in compliance with applicable federal law, regulations,
2-47 and guidelines.

2-48 Sec. 18.009. COSTS. (a) A Job Corps training program
2-49 shall pay the cost of operating its diploma program.

2-50 (b) The operating costs of a program may not be charged to a
2-51 school district.

2-52 Sec. 18.010. PROGRAM EMPLOYEES. (a) Job Corps diploma
2-53 program employees are not considered employees of the state.

2-54 (b) A diploma program may establish personnel policies as
2-55 necessary to ensure its effective and efficient operation under
2-56 this chapter.

2-57 (c) A diploma program employee required under Chapter 21 to
2-58 hold a certificate if employed by a school district must be
2-59 certified in accordance with that chapter.

2-60 SECTION 3. Section 25.086(a), Education Code, is amended to
2-61 read as follows:

2-62 (a) A child is exempt from the requirements of compulsory
2-63 school attendance if the child:

2-64 (1) attends a private or parochial school that
2-65 includes in its course a study of good citizenship;

2-66 (2) is eligible to participate in a school district's
2-67 special education program under Section 29.003 and cannot be
2-68 appropriately served by the resident district;

2-69 (3) has a physical or mental condition of a temporary

3-1 and remediable nature that makes the child's attendance infeasible
 3-2 and holds a certificate from a qualified physician specifying the
 3-3 temporary condition, indicating the treatment prescribed to remedy
 3-4 the temporary condition, and covering the anticipated period of the
 3-5 child's absence from school for the purpose of receiving and
 3-6 recuperating from that remedial treatment;

3-7 (4) is expelled in accordance with the requirements of
 3-8 law in a school district that does not participate in a mandatory
 3-9 juvenile justice alternative education program under Section
 3-10 37.011;

3-11 (5) is at least 17 years of age and:

3-12 (A) is attending a course of instruction to
 3-13 prepare for the high school equivalency examination, and:

3-14 (i) has the permission of the child's parent
 3-15 or guardian to attend the course;

3-16 (ii) is required by court order to attend
 3-17 the course;

3-18 (iii) has established a residence separate
 3-19 and apart from the child's parent, guardian, or other person having
 3-20 lawful control of the child; or

3-21 (iv) is homeless as defined by 42 U.S.C.
 3-22 Section 11302; or

3-23 (B) has received a high school diploma or high
 3-24 school equivalency certificate;

3-25 (6) is at least 16 years of age and is attending a
 3-26 course of instruction to prepare for the high school equivalency
 3-27 examination, if:

3-28 (A) the child is recommended to take the course
 3-29 of instruction by a public agency that has supervision or custody of
 3-30 the child under a court order; or

3-31 (B) the child is enrolled in a Job Corps training
 3-32 program under the Workforce Investment Act of 1998 (29 U.S.C.
 3-33 Section 2801 et seq.) [Job Training Partnership Act (29 U.S.C.
 3-34 Section 1501 et seq.), and its subsequent amendments];

3-35 (7) is at least 16 years of age and is enrolled in a
 3-36 high school diploma program under Chapter 18;

3-37 (8) is enrolled in the Texas Academy of Mathematics
 3-38 and Science;

3-39 (9) [~~(8)~~] is enrolled in the Texas Academy of
 3-40 Leadership in the Humanities; or

3-41 (10) [~~(9)~~] is specifically exempted under another
 3-42 law.

3-43 SECTION 4. Section 25.091, Education Code, is amended by
 3-44 amending Subsections (a) and (b) and adding Subsection (a-1) to
 3-45 read as follows:

3-46 (a) A peace officer serving as an attendance officer has the
 3-47 following powers and duties concerning enforcement of compulsory
 3-48 school attendance requirements:

3-49 (1) to investigate each case of a violation of
 3-50 compulsory school attendance requirements referred to the peace
 3-51 officer;

3-52 (2) to enforce compulsory school attendance
 3-53 requirements by:

3-54 (A) referring a student to a juvenile court or
 3-55 filing a complaint against a student in a district, county,
 3-56 justice, or municipal court if the student has unexcused absences
 3-57 for the amount of time specified under Section 25.094 or under
 3-58 Section 51.03(b)(2), Family Code; and

3-59 (B) filing a complaint in a county, justice, or
 3-60 municipal court against a parent who violates Section 25.093;

3-61 (3) to serve court-ordered legal process;

3-62 (4) to review school attendance records for compliance
 3-63 by each student investigated by the officer;

3-64 (5) to maintain an investigative record on each
 3-65 compulsory school attendance requirement violation and related
 3-66 court action and, at the request of a court, the board of trustees
 3-67 of a school district, or the commissioner, to provide a record to
 3-68 the individual or entity requesting the record;

3-69 (6) to make a home visit or otherwise contact the

parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent; and

(7) to take a student into custody with the permission of the student's parent or in obedience to a court-ordered legal process.

(a-1) A peace officer who is not serving as an attendance officer has the following powers concerning enforcement of compulsory school attendance requirements:

(1) to enforce compulsory school attendance requirements by:

(A) referring a student to a juvenile court or filing a complaint against a student in a district, county, justice, or municipal court if the student has unexcused absences for the amount of time specified under Section 25.094 or under Section 51.03(b)(2), Family Code; and

(B) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(2) to serve court-ordered legal process;

(3) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent; and

(4) to take a student into custody with the permission of the student's parent or in obedience to a court-ordered legal process.

(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;

(2) to enforce compulsory school attendance requirements by:

(A) referring a student to a juvenile court or filing a complaint against a student in a district, county, justice, or municipal court if the student has unexcused absences for the amount of time specified under Section 25.094 or under Section 51.03(b)(2), Family Code; and

(B) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to monitor school attendance compliance by each student investigated by the officer;

(4) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(5) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence;

(6) at the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements; and

(7) if the attendance officer has or is informed of a court-ordered legal process directing that a student be taken into custody and the school district employing the officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process.

5-1 SECTION 5. Section 25.093(a), Education Code, is amended to
5-2 read as follows:

5-3 (a) If a warning is issued as required by Section 25.095(b)
5-4 [~~25.095(a)~~], the parent with criminal negligence fails to require
5-5 the child to attend school as required by law, and the child has
5-6 absences for the amount of time specified under Section 25.094, the
5-7 parent commits an offense.

5-8 SECTION 6. Section 25.094, Education Code, is amended by
5-9 amending Subsections (a), (b), (c), (d), and (d-1) and adding
5-10 Subsection (e-1) to read as follows:

5-11 (a) An individual commits an offense if the individual:

5-12 (1) is required to attend school under Section 25.085;
5-13 and

5-14 (2) fails to attend school on seven [~~10~~] or more days
5-15 or parts of days within a three-month [~~six-month~~] period in the same
5-16 school year or on three or more days or parts of days within a
5-17 four-week period.

5-18 (b) An offense under this section may be prosecuted in:

5-19 (1) the constitutional county court of the county in
5-20 which the individual resides or in which the school is located, if
5-21 the county has a population of two million or more;

5-22 (2) a justice court of any precinct in the county in
5-23 which the individual resides or in which the school is located; [~~or~~]

5-24 (3) a municipal court in the municipality in which the
5-25 individual resides or in which the school is located; or

5-26 (4) a district court for the county in which the
5-27 student resides or in which the school is located.

5-28 (c) On a finding by the district, county, justice, or
5-29 municipal court that the individual has committed an offense under
5-30 Subsection (a) or on a finding by a juvenile court in a county with a
5-31 population of less than 100,000 that the individual has engaged in
5-32 conduct that violates Subsection (a), the court may enter an order
5-33 that includes one or more of the requirements listed in Article
5-34 45.054, Code of Criminal Procedure [~~, as added by Chapter 1514, Acts~~
5-35 ~~of the 77th Legislature, Regular Session, 2001~~].

5-36 (d) If the district, county, justice, or municipal court
5-37 believes that a child has violated an order issued under Subsection
5-38 (c), the court may proceed as authorized by Article 45.050, Code of
5-39 Criminal Procedure.

5-40 (d-1) Pursuant to an order of the district, county, justice,
5-41 or municipal court based on an affidavit showing probable cause to
5-42 believe that an individual has committed an offense under this
5-43 section, a peace officer may take the individual into custody. A
5-44 peace officer taking an individual into custody under this
5-45 subsection shall:

5-46 (1) promptly notify the individual's parent, guardian,
5-47 or custodian of the officer's action and the reason for that action;
5-48 and

5-49 (2) without unnecessary delay:

5-50 (A) release the individual to the individual's
5-51 parent, guardian, or custodian or to another responsible adult, if
5-52 the person promises to bring the individual to the district,
5-53 county, justice, or municipal court as requested by the court; or

5-54 (B) bring the individual to a district, county,
5-55 justice, or municipal court with venue over the offense.

5-56 (e-1) Each day of a violation under this section may
5-57 constitute a separate offense.

5-58 SECTION 7. Section 25.095, Education Code, is amended by
5-59 amending Subsections (a) and (b) and adding Subsection (b-1) to
5-60 read as follows:

5-61 (a) A school district or open-enrollment charter school
5-62 shall notify a student's parent in writing at the beginning of the
5-63 school year that if the student is absent from school on seven [~~10~~]
5-64 or more days or parts of days within a three-month [~~six-month~~]
5-65 period in the same school year or on three or more days or parts of
5-66 days within a four-week period:

5-67 (1) the student's parent is subject to prosecution
5-68 under Section 25.093; and

5-69 (2) the student is subject to prosecution under

6-1 Section 25.094 or to referral to a juvenile court in a county with a
6-2 population of less than 100,000 for conduct that violates that
6-3 section.

6-4 (b) A school district shall notify a student's parent by
6-5 telephone and in writing if the student has been absent from school,
6-6 without excuse under Section 25.087, on three days or parts of days
6-7 within a four-week period. The notice must:

6-8 (1) inform the parent that:

6-9 (A) it is the parent's duty to monitor the
6-10 student's school attendance and require the student to attend
6-11 school; and

6-12 (B) the parent is subject to prosecution under
6-13 Section 25.093; and

6-14 (2) require the parent to attend in person or by
6-15 telephone [request] a conference between school officials and the
6-16 parent to:

6-17 (A) discuss the absences;

6-18 (B) develop a plan specifically for the student
6-19 for improving the student's school attendance; and

6-20 (C) review the legal consequences of a student's
6-21 continuing unexcused absences.

6-22 (b-1) In addition to providing notice to a student's parent
6-23 under Subsection (b), the school district shall notify a counselor
6-24 at the student's school, or in the student's school district if the
6-25 student's school does not have a counselor, if a student has been
6-26 absent from school, without excuse under Section 25.087, on three
6-27 or more days or parts of days within a four-week period. To the
6-28 extent practicable, on receiving the notification, the counselor
6-29 shall perform an assessment of the student, including the student's
6-30 academic progress, to use in developing the plan required under
6-31 Subsection (b)(2)(B).

6-32 SECTION 8. Sections 25.0951(a) and (b), Education Code, are
6-33 amended to read as follows:

6-34 (a) If a student fails to attend school without excuse on
6-35 seven [10] or more days or parts of days within a three-month
6-36 [six-month] period in the same school year, a school district may,
6-37 not later than the 15th school day after the date of the student's
6-38 last absence [shall]:

6-39 (1) file a complaint against the student or the
6-40 student's parent or both in a district, county, justice, or
6-41 municipal court for an offense under Section 25.093 or 25.094, as
6-42 appropriate, or refer the student to a juvenile court in a county
6-43 with a population of less than 100,000 for conduct that violates
6-44 Section 25.094; or

6-45 (2) refer the student to a juvenile court for conduct
6-46 indicating a need for supervision under Section 51.03(b)(2), Family
6-47 Code.

6-48 (b) If a student fails to attend school without excuse on
6-49 three or more days or parts of days within a four-week period but
6-50 does not fail to attend school for the time described by Subsection
6-51 (a), the school district may, not later than the 15th school day
6-52 after the date of the student's last absence:

6-53 (1) file a complaint against the student or the
6-54 student's parent or both in a district, county, justice, or
6-55 municipal court for an offense under Section 25.093 or 25.094, as
6-56 appropriate, or refer the student to a juvenile court in a county
6-57 with a population of less than 100,000 for conduct that violates
6-58 Section 25.094; or

6-59 (2) refer the student to a juvenile court for conduct
6-60 indicating a need for supervision under Section 51.03(b)(2), Family
6-61 Code.

6-62 SECTION 9. Section 51.03(b), Family Code, is amended to
6-63 read as follows:

6-64 (b) Conduct indicating a need for supervision is:

6-65 (1) subject to Subsection (f), conduct, other than a
6-66 traffic offense, that violates:

6-67 (A) the penal laws of this state of the grade of
6-68 misdemeanor that are punishable by fine only; or

6-69 (B) the penal ordinances of any political

7-1 subdivision of this state;

7-2 (2) the absence of a child on seven [~~10~~] or more days
7-3 or parts of days within a three-month [~~six-month~~] period in the same
7-4 school year or on three or more days or parts of days within a
7-5 four-week period from school;

7-6 (3) the voluntary absence of a child from the child's
7-7 home without the consent of the child's parent or guardian for a
7-8 substantial length of time or without intent to return;

7-9 (4) conduct prohibited by city ordinance or by state
7-10 law involving the inhalation of the fumes or vapors of paint and
7-11 other protective coatings or glue and other adhesives and the
7-12 volatile chemicals itemized in Section 484.002, Health and Safety
7-13 Code;

7-14 (5) an act that violates a school district's
7-15 previously communicated written standards of student conduct for
7-16 which the child has been expelled under Section 37.007(c),
7-17 Education Code; or

7-18 (6) conduct that violates a reasonable and lawful
7-19 order of a court entered under Section 264.305.

7-20 SECTION 10. Section 51.08, Family Code, is amended by
7-21 adding Subsection (e) to read as follows:

7-22 (e) A juvenile court may not refuse to accept the transfer
7-23 of a case brought under Section 25.094, Education Code, for a child
7-24 described by Subsection (b)(1) if a prosecuting attorney for the
7-25 court determines under Section 53.012 that the case is legally
7-26 sufficient under Section 53.01 for adjudication in juvenile court.

7-27 SECTION 11. The heading to Section 54.021, Family Code, is
7-28 amended to read as follows:

7-29 Sec. 54.021. DISTRICT, COUNTY, JUSTICE, OR MUNICIPAL COURT:
7-30 TRUANCY.

7-31 SECTION 12. Sections 54.021(a), (b), and (c), Family Code,
7-32 are amended to read as follows:

7-33 (a) The juvenile court may waive its exclusive original
7-34 jurisdiction and transfer a child to the constitutional county
7-35 court, if the county has a population of two million or more, or to
7-36 an appropriate district, justice, or municipal court, with the
7-37 permission of the district, county, justice, or municipal court,
7-38 for disposition in the manner provided by Subsection (b) if the
7-39 child is alleged to have engaged in conduct described in Section
7-40 51.03(b)(2). A waiver of jurisdiction under this subsection may be
7-41 for an individual case or for all cases in which a child is alleged
7-42 to have engaged in conduct described in Section 51.03(b)(2). The
7-43 waiver of a juvenile court's exclusive original jurisdiction for
7-44 all cases in which a child is alleged to have engaged in conduct
7-45 described in Section 51.03(b)(2) is effective for a period of one
7-46 year.

7-47 (b) A district, county, justice, or municipal court may
7-48 exercise jurisdiction over a person alleged to have engaged in
7-49 conduct indicating a need for supervision by engaging in conduct
7-50 described in Section 51.03(b)(2) in a case where:

7-51 (1) the juvenile court has waived its original
7-52 jurisdiction under this section; and

7-53 (2) a complaint is filed by the appropriate authority
7-54 in the district, county, justice, or municipal court charging an
7-55 offense under Section 25.094, Education Code.

7-56 (c) A proceeding in a district, county, justice, or
7-57 municipal court on a complaint charging an offense under Section
7-58 25.094, Education Code, is governed by Chapter 45, Code of Criminal
7-59 Procedure.

7-60 SECTION 13. Sections 54.04(o) and (u), Family Code, are
7-61 amended to read as follows:

7-62 (o) In a disposition under this title:

7-63 (1) a status offender may not, under any
7-64 circumstances, be committed to the Texas Youth Commission for
7-65 engaging in conduct that would not, under state or local law, be a
7-66 crime if committed by an adult;

7-67 (2) a status offender may not, under any circumstances
7-68 other than as provided under Subsection (n), be placed in a
7-69 post-adjudication secure correctional facility; and

8-1 (3) a child adjudicated for contempt of a district,
 8-2 county, justice, or municipal court order may not, under any
 8-3 circumstances, be placed in a post-adjudication secure
 8-4 correctional facility or committed to the Texas Youth Commission
 8-5 for that conduct.

8-6 (u) For the purposes of disposition under Subsection
 8-7 (d)(2), delinquent conduct that violates a penal law of this state
 8-8 of the grade of felony or misdemeanor does not include conduct that
 8-9 violates a lawful order of a district, county, municipal, justice,
 8-10 or juvenile court under circumstances that would constitute
 8-11 contempt of that court.

8-12 SECTION 14. Section 264.304(c), Family Code, is amended to
 8-13 read as follows:

8-14 (c) The court shall determine that the child is an at-risk
 8-15 child if the court finds that the child has engaged in the following
 8-16 conduct:

8-17 (1) conduct, other than a traffic offense and except
 8-18 as provided by Subsection (d), that violates:

8-19 (A) the penal laws of this state; or

8-20 (B) the penal ordinances of any political
 8-21 subdivision of this state;

8-22 (2) the unexcused voluntary absence of the child on
 8-23 seven [~~10~~] or more days or parts of days within a three-month
 8-24 [~~six-month~~] period or three or more days or parts of days within a
 8-25 four-week period from school without the consent of the child's
 8-26 parent, managing conservator, or guardian;

8-27 (3) the voluntary absence of the child from the child's
 8-28 home without the consent of the child's parent, managing
 8-29 conservator, or guardian for a substantial length of time or
 8-30 without intent to return;

8-31 (4) conduct that violates the laws of this state
 8-32 prohibiting driving while intoxicated or under the influence of
 8-33 intoxicating liquor (first or second offense) or driving while
 8-34 under the influence of any narcotic drug or of any other drug to a
 8-35 degree that renders the child incapable of safely driving a vehicle
 8-36 (first or second offense); or

8-37 (5) conduct that evidences a clear and substantial
 8-38 intent to engage in any behavior described by Subdivisions (1)-(4).

8-39 SECTION 15. Article 45.054(a), Code of Criminal Procedure,
 8-40 is amended to read as follows:

8-41 (a) On a finding by a district, county, justice, or
 8-42 municipal court that an individual has committed an offense under
 8-43 Section 25.094, Education Code, the court has jurisdiction to enter
 8-44 an order that includes one or more of the following provisions
 8-45 requiring that:

8-46 (1) the individual:

8-47 (A) attend school without unexcused absences;

8-48 (B) attend a preparatory class for the high
 8-49 school equivalency examination administered under Section 7.111,
 8-50 Education Code, if the court determines that the individual is too
 8-51 old to do well in a formal classroom environment; or

8-52 (C) if the individual is at least 16 years of age,
 8-53 take the high school equivalency examination administered under
 8-54 Section 7.111, Education Code;

8-55 (2) the individual attend a special program that the
 8-56 court determines to be in the best interest of the individual,
 8-57 including:

8-58 (A) an alcohol and drug abuse program;

8-59 (B) a rehabilitation program;

8-60 (C) a counseling program, including
 8-61 self-improvement counseling;

8-62 (D) a program that provides training in
 8-63 self-esteem and leadership;

8-64 (E) a work and job skills training program;

8-65 (F) a program that provides training in
 8-66 parenting, including parental responsibility;

8-67 (G) a program that provides training in manners;

8-68 (H) a program that provides training in violence
 8-69 avoidance;

- 9-1 (I) a program that provides sensitivity
- 9-2 training; and
- 9-3 (J) a program that provides training in advocacy
- 9-4 and mentoring;
- 9-5 (3) the individual and the individual's parent attend
- 9-6 a class for students at risk of dropping out of school designed for
- 9-7 both the individual and the individual's parent;
- 9-8 (4) the individual complete reasonable community
- 9-9 service requirements; or
- 9-10 (5) for the total number of hours ordered by the court,
- 9-11 the individual participate in a tutorial program covering the
- 9-12 academic subjects in which the student is enrolled provided by the
- 9-13 school the individual attends.

9-14 SECTION 16. (a) Except as provided by Subsection (b) of
 9-15 this section, the change in law made by this Act applies only to an
 9-16 offense committed on or after September 1, 2005. An offense
 9-17 committed before September 1, 2005, is covered by the law in effect
 9-18 when the offense was committed, and the former law is continued in
 9-19 effect for that purpose. For the purposes of this subsection, an
 9-20 offense was committed before September 1, 2005, if any element of
 9-21 the offense occurred before that date.

9-22 (b) Section 51.08, Family Code, as amended by this Act,
 9-23 applies only to the transfer of a case to juvenile court that occurs
 9-24 on or after the effective date of this Act. A transfer that occurs
 9-25 before the effective date of this Act is governed by the law in
 9-26 effect when the transfer occurred, and the former law is continued
 9-27 in effect for that purpose.

9-28 SECTION 17. This Act takes effect September 1, 2005.

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