

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 21, 2005**

**TO:** Honorable Kent Grusendorf, Chair, House Committee on Public Education

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB316** by Grusendorf (Relating to a child's failure to attend school and the creation of the offense of running away from home.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill is related to a child's failure to attend school and creates an offense of running away from home. It would provide a peace officer who is not serving as an attendance officer with the authority to enforce compulsory school attendance requirements. The bill would reduce the number of absences that constitute an offense of failure to attend school to one or more days or parts of days within a school year, and it would require the school district to file a complaint against the student in a county, justice, or municipal court or refer the student to a juvenile court. The bill would also create the offense of runaway child as a Class C misdemeanor.

**Local Government Impact**

School districts would incur significant additional administrative cost under this bill. Current law requires a school district to file a complaint or refer a student to juvenile court if a student is absent 10 or more days or parts of days within a six-month period. The Texas Education Agency does not collect or maintain data concerning the number of complaints or referrals school districts make under these current law provisions.

The cumulative number of student absences in a six-week reporting period is reported through the Public Education Information Management System (PEIMS). The data does not distinguish between excused and unexcused absences; however, based on data for the 2003-04 school year, it appears that at least 3,966,682 or 92% of students enrolled were absent for at least one day during that school year. By contrast, 871,563 or 20% of students enrolled were absent for at least 10 days during a six-month period within the same school year. With the much greater population of students having absences of one day, it appears that the potential increase in the number of complaints that districts would be required to file would be at least 4 times greater than under current law. There also may be an impact on local courts due to the increase in the number of complaints filed.

**Source Agencies:** 665 Juvenile Probation Commission, 701 Central Education Agency

**LBB Staff:** JOB, CT, UP, KC, LG