

## **BILL ANALYSIS**

C.S.H.B. 2594  
By: Miles  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, no provision in the Education Code or Family Code expressly authorizes law enforcement officers to return truant students to campus. Typically, these students are taken to a police station and remain there until released. This unnecessarily ties up police personnel and keeps the child from being in school where the child belongs.

This bill would provide law enforcement officers with the authority to escort a child to a school campus to ensure the child's compliance with compulsory school attendance requirements.

### **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**

The bill amends the Family Code to provide that a law enforcement officer who has probable cause to believe that a child is in violation of the compulsory school attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements.

The bill also amends the Education Code to provide that a peace officer who has probable cause to believe that a child is in violation of the compulsory school attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory school attendance requirements.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill essentially accomplishes the same objective as the substitute, that being to provide law enforcement officers and/or peace officers with the authority to escort a child to a school campus to ensure the child's compliance with compulsory school attendance requirements; however, the requirements of the original apply to a child in need of supervision for truancy under the Family Code, and the requirements of the substitute apply to a child who is in violation of compulsory attendance law under the Education Code.

The original bill also adds the following power and duty to a peace officer serving as an attendance officer concerning enforcement of compulsory school attendance requirements: 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. This provision is not included in the substitute.

The original also provides that the Act applies only to conduct that occurs on or after the effective date of this Act. Conduct violating the penal law of this state occurs on or after the effective date of this Act if any element of the violation occurs on or after that date, and that conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose. This provision is not included in the substitute.