

BILL ANALYSIS

H.B. 192
By: Alonzo
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the current compulsory school attendance law, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday is required to attend school each school day for the entire period that the program of instruction is provided in our school districts. Funding for our public schools is based on the school attendance rates, so the higher the absenteeism rates are, the less money a school district will receive from the state. Thus, calculating the average daily attendance of students in our school districts plays a large role in our funding formulas.

All school districts encourage their students to attend school every day as required by law. However, there is a list of excused absences allowed by law that permit students to be absent without penalizing them for that absence as a violation of the compulsory school attendance law and without counting that absence in the calculation of a school district's average daily attendance. This bill basically adds to the list of excused absences of a student from school for activities in connection with obtaining United States citizenship. More and more parents of immigrant children are complaining that their children are being penalized for skipping school when they are in the process of completing their citizenship paperwork to become U.S. citizens. Many times, students have to travel out of town to an INS facility that handles these matters.

Under current law, a person required to attend school, including a person required to attend school under Section 25.085(e), Education Code, may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. Current law requires a school district to excuse a student from attending school for the purpose of observing religious holy days, including traveling for that purpose, and to excuse a student for temporary absence for an appointment with a health care professional, if that student commences classes or returns to school on the same day of the appointment, without penalty to the student or school district. A student whose absence is excused under those provisions is allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence is counted as a day of compulsory attendance.

H.B. 192 adds the absence of a student who is absent from school in connection with the citizenship application process to the list of excused absences.

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

H.B. 192 amends the Education Code to add appearing at a governmental office to complete paperwork required in connection with a student's application for United States citizenship and

taking part in a United States naturalization oath ceremony to the purposes for which a school district is required to excuse the student's absence from school.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.