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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: *J. [Signature]*

1 Amend C.S.S.B. No. 1234 (house committee report) by striking  
2 all below the enacting clause and substituting the following:

3 SECTION 1. Subsection (i), Article 45.054, Code of Criminal  
4 Procedure, is amended to read as follows:

5 (i) A county, justice, or municipal court shall dismiss the  
6 complaint against an individual alleging that the individual  
7 committed an offense under Section 25.094, Education Code, if:

8 (1) the court finds that the individual has  
9 successfully complied with the conditions imposed on the individual  
10 by the court under this article; or

11 (2) the individual presents to the court proof that  
12 the individual has obtained a high school diploma or a high school  
13 equivalency certificate after taking a high school equivalency  
14 examination administered under Section 7.111, Education Code.

15 SECTION 2. Subsection (e), Article 45.055, Code of Criminal  
16 Procedure, is amended to read as follows:

17 (e) A court shall expunge an individual's conviction under  
18 Section 25.094, Education Code, and records relating to a  
19 conviction, regardless of whether the individual has previously  
20 been convicted of an offense under that section, if:

21 (1) the court finds that the individual has  
22 successfully complied with the conditions imposed on the individual  
23 by the court under Article 45.054; or

24 (2) before the individual's 21st birthday, the  
25 individual presents to the court proof that the individual has  
26 obtained a high school diploma or a high school equivalency  
27 certificate after taking a high school equivalency examination  
28 administered under Section 7.111, Education Code.

29 SECTION 3. Subsection (a), Article 45.056, Code of Criminal

1 Procedure, is amended to read as follows:

2 (a) On approval of the commissioners court, city council,  
3 ~~[school district board of trustees,]~~ juvenile board, or other  
4 appropriate authority, a county court, justice court, municipal  
5 court, ~~[school district,]~~ juvenile probation department, or other  
6 appropriate governmental entity may~~+~~

7 ~~[(1)]~~ employ a case manager or agree, in accordance  
8 with Chapter 791, Government Code, with any appropriate  
9 governmental entity to jointly employ a case manager or to jointly  
10 contribute to the costs of a case manager employed by one  
11 governmental entity to provide services in cases involving juvenile  
12 offenders before a court consistent with the court's statutory  
13 powers~~, or~~

14 ~~[(2) agree in accordance with Chapter 791, Government~~  
15 ~~Code, to jointly employ a case manager].~~

16 SECTION 4. Section 25.085, Education Code, is amended by  
17 amending Subsection (e) and adding Subsections (g) and (h) to read  
18 as follows:

19 (e) A person who voluntarily enrolls in school or  
20 voluntarily attends school after the person's 18th birthday shall  
21 attend school each school day for the entire period the program of  
22 instruction is offered. A school district may revoke for the  
23 remainder of the school year the enrollment of a person who has more  
24 than five absences in a semester that are not excused under Section  
25 25.087, except that a school district may not revoke the enrollment  
26 of a person under this subsection on a day on which the person is  
27 physically present at school. A person whose enrollment is revoked  
28 under this subsection may be considered an unauthorized person on  
29 school district grounds for purposes of Section 37.107.

30 (g) After the third unexcused absence of a person described  
31 by Subsection (e), a school district shall issue a warning letter to

1 the person that states the person's enrollment may be revoked for  
2 the remainder of the school year if the person has more than five  
3 unexcused absences in a semester.

4 (h) As an alternative to revoking a person's enrollment  
5 under Subsection (e), a school district may impose a behavior  
6 improvement plan described by Section 25.0915(b)(1).

7 SECTION 5. Section 25.0915, Education Code, is amended to  
8 read as follows:

9 Sec. 25.0915. TRUANCY PREVENTION MEASURES; REFERRAL AND  
10 FILING REQUIREMENT. (a) A school district shall adopt truancy  
11 prevention measures designed to:

12 (1) address student conduct related to truancy in the  
13 school setting before the student violates Section 25.094;

14 (2) minimize the need for referrals to juvenile court  
15 for conduct described by Section 51.03(b)(2), Family Code; and

16 (3) minimize the filing of complaints in county,  
17 justice, and municipal courts alleging a violation of Section  
18 25.094.

19 (b) As a truancy prevention measure under Subsection (a), a  
20 school district may take one or more of the following actions:

21 (1) impose:

22 (A) a behavior improvement plan on the student  
23 that must be signed by an employee of the school, that the school  
24 district has made a good faith effort to have signed by the student  
25 and the student's parent or guardian, and that includes:

26 (i) a specific description of the behavior  
27 that is required or prohibited for the student;

28 (ii) the period for which the plan will be  
29 effective, not to exceed 45 school days after the date the contract  
30 becomes effective; or

31 (iii) the penalties for additional

1 absences, including additional disciplinary action or the referral  
2 of the student to a juvenile court; or

3 (B) school-based community service; or

4 (2) refer the student to counseling, community-based  
5 services, or other in-school or out-of-school services aimed at  
6 addressing the student's truancy.

7 (c) A referral made under Subsection (b)(2) may include  
8 participation by the child's parent or guardian if necessary.

9 (d) Each referral to juvenile court for conduct described by  
10 Section 51.03(b)(2), Family Code, or complaint filed in county,  
11 justice, or municipal court alleging a violation by a student of  
12 Section 25.094 must:

13 (1) be accompanied by a statement from the student's  
14 school certifying that:

15 (A) the school applied the truancy prevention  
16 measures adopted under Subsection (a) to the student; and

17 (B) the truancy prevention measures failed to  
18 meaningfully address the student's school attendance; and

19 (2) specify whether the student is eligible for or  
20 receives special education services under Subchapter A, Chapter 29.

21 (e) Except as provided by Subsection (f), a school district  
22 shall employ a truancy prevention facilitator to implement the  
23 truancy prevention measures required by this section and any other  
24 effective truancy prevention measures as determined by the school  
25 district or campus. At least annually, the truancy prevention  
26 facilitator shall meet to discuss effective truancy prevention  
27 measures with a case manager or other individual designated by a  
28 juvenile or criminal court to provide services to students of the  
29 school district in truancy cases.

30 (f) Instead of employing a truancy prevention facilitator,  
31 a school district may designate an existing district employee to

1 implement the truancy prevention measures required by this section  
2 and any other effective truancy prevention measures as determined  
3 by the school district or campus.

4 SECTION 6. Subsection (e), Section 25.094, Education Code,  
5 is amended to read as follows:

6 (e) An offense under this section is a [~~Class C~~] misdemeanor  
7 punishable by a fine not to exceed:

8 (1) \$100 for a first offense;

9 (2) \$200 for a second offense;

10 (3) \$300 for a third offense;

11 (4) \$400 for a fourth offense; or

12 (5) \$500 for a fifth or subsequent offense.

13 SECTION 7. Subsections (a) and (b), Section 25.0951,  
14 Education Code, are amended to read as follows:

15 (a) If a student fails to attend school without excuse on 10  
16 or more days or parts of days within a six-month period in the same  
17 school year, a school district shall within 10 school days of the  
18 student's 10th absence:

19 (1) file a complaint against the student or the  
20 student's parent or, if the district provides evidence that both  
21 the student and the student's parent contributed to the student's  
22 failure to attend school, both the student and the parent in a  
23 county, justice, or municipal court for an offense under Section  
24 25.093 or 25.094, as appropriate, or refer the student to a juvenile  
25 court in a county with a population of less than 100,000 for conduct  
26 that violates Section 25.094; or

27 (2) refer the student to a juvenile court for conduct  
28 indicating a need for supervision under Section 51.03(b)(2), Family  
29 Code.

30 (b) If a student fails to attend school without excuse on  
31 three or more days or parts of days within a four-week period but

1 does not fail to attend school for the time described by Subsection  
2 (a), the school district may:

3 (1) file a complaint against the student or the  
4 student's parent or, if the district provides evidence that both  
5 the student and the student's parent contributed to the student's  
6 failure to attend school, both the student and the parent in a  
7 county, justice, or municipal court for an offense under Section  
8 25.093 or 25.094, as appropriate, or refer the student to a juvenile  
9 court in a county with a population of less than 100,000 for conduct  
10 that violates Section 25.094; or

11 (2) refer the student to a juvenile court for conduct  
12 indicating a need for supervision under Section 51.03(b)(2), Family  
13 Code.

14 SECTION 8. The changes in law made by this Act apply only to  
15 conduct violating Section 25.094, Education Code, on or after the  
16 effective date of this Act. A violation that occurs before the  
17 effective date of this Act is covered by the law in effect when the  
18 violation occurred, and the former law is continued in effect for  
19 that purpose. For purposes of this section, a violation occurs  
20 before the effective date of this Act if any element of the  
21 violation occurs before that date.

22 SECTION 9. This Act takes effect September 1, 2013.