

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 30, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB106 by Whitmire (Relating to the prevention of truancy and the offense of failure to attend school; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill provides a list of truancy prevention measures a school district may take. School districts and open-enrollment charter schools would be required to either employ a truancy prevention facilitator or designate an existing employee as a truancy prevention facilitator to implement truancy prevention measures, which they are already required to implement. The bill would require the truancy prevention facilitator to meet at least annually with a case manager designated by the criminal or juvenile court to discuss effective truancy prevention measures.

The bill would change the penalty for Failure to Attend School from a Class C misdemeanor (fine not to exceed \$500) to a misdemeanor with a graduated maximum fine based on how many offenses had been committed starting at up to \$100 for a first offense, then \$200 for a second, \$300 for a third, \$400 for a fourth, and \$500 for a fifth or subsequent offense.

The bill would require a school district to provide evidence that both the student and student's parent contributed to the student's failure to attend school to file a complaint in court against both the student and parent.

No significant fiscal impact to the state or to the Foundation School Program is anticipated.

Local Government Impact

School districts may face additional costs to either hire a truancy prevention facilitator or to add these duties to an existing employee.

The bill would change the penalty for Failure to Attend School from a Class C misdemeanor to a misdemeanor with a graduated maximum fine based on the number offenses committed. According to the Office of Court Administration, the bill may lead to reduced fine revenue for municipal courts and justice courts if such courts typically order more than \$100 in fines. However, a typical fine for Failure to Attend School cases is \$100 and therefore would not have a significant impact the actual amounts ordered or collected in fine revenue.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile

Justice Department, 701 Central Education Agency

LBB Staff: UP, KJo, JJ, JQ, AW, KVe, JBi, JPo