

By: West

S.B. No. 1355

A BILL TO BE ENTITLED

AN ACT

relating to the calculation of absences for truancy purposes and to attendance at truancy court adjudication hearings by certain parents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0865 to read as follows:

Sec. 25.0865. CALCULATION OF ABSENCES FOR TRUANCY PURPOSES.

(a) For purposes of calculating absences for truancy, a student in any grade level from kindergarten through grade 12 who is required to attend school under Section 25.085 may not be considered absent for:

(1) a class if the student is in attendance for at least 75 percent of the class; or

(2) an instructional day if the student is in attendance for at least 75 percent of the day.

(b) A student may be considered absent for a day or a part of a day if the student is in attendance for less than 75 percent of the day.

(c) The board of trustees of each school district and the governing board of each open-enrollment charter school shall adopt and enforce a policy implementing this section.

SECTION 2. Section 25.095(a), Education Code, is amended to read as follows:

1           (a) A school district or open-enrollment charter school  
2 shall notify a student's parent in writing at the beginning of the  
3 school year that if the student is absent from school on 10 or more  
4 days [~~or parts of days~~] within a six-month period in the same school  
5 year:

6                   (1) the student's parent is subject to prosecution  
7 under Section 25.093; and

8                   (2) the student is subject to referral to a truancy  
9 court for truant conduct under Section 65.003(a), Family Code.

10           SECTION 3. Section 25.0951(a), Education Code, is amended  
11 to read as follows:

12           (a) If a student fails to attend school without excuse on 10  
13 or more days [~~or parts of days~~] within a six-month period in the  
14 same school year, a school district shall within 10 school days of  
15 the student's 10th absence refer the student to a truancy court for  
16 truant conduct under Section 65.003(a), Family Code.

17           SECTION 4. Section 65.003(a), Family Code, is amended to  
18 read as follows:

19           (a) A child engages in truant conduct if the child is  
20 required to attend school under Section 25.085, Education Code, and  
21 fails to attend school on 10 or more days [~~or parts of days~~] within a  
22 six-month period in the same school year.

23           SECTION 5. Section 65.062(c), Family Code, is amended to  
24 read as follows:

25           (c) Subsection (b) does not apply to:

26                   (1) a person for whom, for good cause shown, the court  
27 excuses attendance;

- 1           (2) a person who is not a resident of this state; [~~or~~]  
2           (3) a parent of a child for whom a managing conservator  
3 has been appointed and the parent is not a conservator of the child;  
4 or  
5           (4) a parent or legal guardian of a child who:  
6                 (A) is 18 years of age or older; and  
7                 (B) does not reside with the parent or legal  
8 guardian.

9           SECTION 6. (a) Except as provided by Subsection (b) of this  
10 section, this Act applies beginning with the 2017-2018 school year.

11           (b) Section 65.062(c), Family Code, as amended by this Act,  
12 applies only to an adjudication hearing relating to conduct that  
13 occurs on or after the effective date of this Act. An adjudication  
14 hearing relating to conduct that occurred before the effective date  
15 of this Act is governed by the law in effect on the date the conduct  
16 occurred, and the former law is continued in effect for that  
17 purpose.

18           SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.