

## **BILL ANALYSIS**

Senate Research Center  
88R9056 TSS-F

H.B. 3917  
By: Buckley (Middleton)  
Criminal Justice  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Concerns have been raised regarding the lack of enforcement and accountability with truancy laws. H.B. 3917 provides a creative alternative to assist school districts in holding a parent accountable for not following the compulsory attendance law.

H.B. 3917 amends Article 45.0531 of the Code of Criminal Procedure to waive a fine imposed on a parent if the parent completes an alternative requirement by the school district to attend counseling, trainings, programs, or other services designated by the school district within a certain period designated in statute or as agreed to by the parent and school district. School districts are not required to offer any such program but may elect to provide this alternative rather than a traditional fine or other punitive measure.

These programs and services could be provided through state or local counseling resources, or faith-based entities or other entities. The training may include, but is not limited to, training in parenting, including parental responsibility, under Texas law regarding truancy.

None of these changes would impact students or other parts of truancy laws.

H.B. 3917 amends current law relating to dismissal of a complaint alleging a parent contributing to nonattendance on the parent's fulfillment of certain terms.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 (Section 25.094, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 45.0531, Code of Criminal Procedure, as follows:

Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. (a) Authorizes a county, justice, or municipal court, at the court's discretion, subject to Subsection (b) and notwithstanding any other law, to dismiss a charge against a defendant alleging the defendant committed an offense under a certain section, if the court finds that a dismissal would be in the interest of justice, for certain reasons.

(b) Requires a county, justice, or municipal court, notwithstanding any other law, to dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093 (Parent Contributing to Nonattendance), Education Code, if the parent completes the terms of an agreement entered into by the parent and the school district at which the parent's child attends under Section 25.094, Education Code, within the period required by Subsection (b) of that section. Authorizes the court, if agreed to by the school district that is a party to the agreement, to extend the period under Section 25.094(b), Education Code, during which a parent is authorized to fulfill the terms of the agreement.

SECTION 2. Amends Subchapter C, Chapter 25, Education Code, by adding Section 25.094, as follows:

Sec. 25.094. AGREEMENT FOR DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. (a) Authorizes a parent against whom a complaint under Section 25.093 has been filed and the school district at which the parent's child is enrolled to enter into a written agreement requiring the parent to complete counseling, training, or another program as designated by the school district.

(b) Provides that a parent who fulfills the terms of an agreement described by Subsection (a) not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement is entitled to dismissal of the complaint in accordance with Article 45.0531(b), Code of Criminal Procedure.

(c) Authorizes the Texas Education Agency to adopt rules and materials necessary to implement this section, including by:

(1) making standardized agreement forms available to school districts;

(2) recommending state and local counseling, training, or other program options that a school district is authorized to require in an agreement under this section, which are authorized to include:

(A) faith-based counseling or training programs; or

(B) other programs that provide instruction designed to assist a parent in identifying problems that contribute to unexcused absences by the parent's child and in developing strategies for resolving those problems; and

(3) requiring relevant programs, resources, and materials to be made available through regional educational service centers.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.