

By: VanDeaver

H.B. No. 2725

A BILL TO BE ENTITLED

AN ACT

relating to truancy; increasing a criminal penalty.

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

SECTION 1. Section 25.0915, Education Code, is amended by adding Subsection (a-5) and amending Subsection (b) to read as follows:

(a-5) If a school district previously imposed truancy prevention measures on a student and the student, in a succeeding school year, engages in conduct described by Section 65.003(a), Family Code, the school district may refer the student to truancy court without again imposing truancy prevention measures.

(b) Each referral to truancy court for conduct described by Section 65.003(a), Family Code, must:

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

(A) the school applied, or has applied in a prior school year, the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and

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

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

SECTION 2. Section 25.093, Education Code, is amended by amending Subsection (c) and adding Subsection (g-1) to read as

1 follows:

2 (c) An offense under Subsection (a) is a misdemeanor,  
3 punishable by fine only, in an amount not to exceed:

- 4 (1) \$400 [~~\$100~~] for a first offense;
- 5 (2) \$500 [~~\$200~~] for a second offense;
- 6 (3) \$600 [~~\$300~~] for a third offense;
- 7 (4) \$700 [~~\$400~~] for a fourth offense; or
- 8 (5) \$800 [~~\$500~~] for a fifth or subsequent offense.

9 (g-1) The court shall dismiss a fine imposed under this  
10 section if the parent presents the court with proof that the child  
11 has:

- 12 (1) reached the age of 21;
- 13 (2) graduated from high school or received the  
14 equivalent of a high school diploma; or
- 15 (3) enlisted in the armed forces of the United States.

16 SECTION 3. Subchapter C, Chapter 25, Education Code, is  
17 amended by adding Section 25.096 to read as follows:

18 Sec. 25.096. ANNUAL ATTENDANCE REPORT. Each school  
19 district shall annually submit a report to the agency that  
20 includes, for the preceding school year, the following information  
21 disaggregated by campus and grade:

- 22 (1) the number of students:
  - 23 (A) who failed to attend school without excuse  
24 for 10 or more days or parts of days within a six-month period in the  
25 same school year;
  - 26 (B) for whom the district initiated a truancy  
27 prevention measure; and

1           (C) for whom the district made a referral to  
2 truancy court; and

3           (2) the number of parents of students against whom a  
4 complaint has been filed under Section 25.093.

5           SECTION 4. Subchapter E-1, Chapter 411, Government Code, is  
6 amended by adding Section 411.0737 to read as follows:

7           Sec. 411.0737. PROCEDURE FOR CONVICTION; PARENT  
8 CONTRIBUTING TO NONATTENDANCE. (a) This section applies only to a  
9 person who is convicted of an offense under Section 25.093,  
10 Education Code.

11           (b) Notwithstanding any other provision of this subchapter  
12 or Subchapter F, a person described by Subsection (a) may petition  
13 the court that imposed the sentence for an order of nondisclosure of  
14 criminal history record information under this section, regardless  
15 of whether the person has paid all fines and costs imposed.

16           (c) After notice to the state, an opportunity for a hearing,  
17 and a determination that the person is entitled to file the petition  
18 described by Subsection (b) and that issuance of an order of  
19 nondisclosure of criminal history record information is in the best  
20 interest of justice, the court shall issue an order prohibiting  
21 criminal justice agencies from disclosing to the public criminal  
22 history record information related to the offense for which the  
23 person was convicted.

24           (d) A person may petition the court that imposed the  
25 sentence for an order of nondisclosure of criminal history record  
26 information under this section only on or after the date on which:

27           (1) the person completed payment of all fines and

1 costs imposed under Section 25.093, Education Code; or

2 (2) the child that the person failed to require to  
3 attend school:

4 (A) reaches the age of 21;

5 (B) graduates from high school or receives the  
6 equivalent of a high school diploma; or

7 (C) enlists in the armed forces of the United  
8 States.

9 SECTION 5. Section 411.074, Government Code, is amended by  
10 adding Subsection (c) to read as follows:

11 (c) This section does not apply to a person who petitions  
12 for an order of nondisclosure under Section 411.0737.

13 SECTION 6. Section 25.0915, Education Code, as amended by  
14 this Act, applies beginning with the 2023-2024 school year.

15 SECTION 7. The changes in law made by this Act to Section  
16 25.093, Education Code, apply only to an offense committed on or  
17 after the effective date of this Act. An offense committed before  
18 the effective date of this Act is governed by the law in effect on  
19 the date the offense was committed, and the former law is continued  
20 in effect for that purpose. For purposes of this section, an  
21 offense was committed before the effective date of this Act if any  
22 element of the offense occurred before that date.

23 SECTION 8. Not later than December 1, 2024, each school  
24 district shall submit to the Texas Education Agency the first  
25 attendance report required under Section 25.096, Education Code, as  
26 added by this Act.

27 SECTION 9. This Act takes effect September 1, 2023.