

By: White of Tyler

H.B. No. 2397

A BILL TO BE ENTITLED

AN ACT

relating to public school interventions and procedures for truancy.

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

SECTION 1. Section 25.088, Education Code, is amended to read as follows:

Sec. 25.088. STUDENT [SCHOOL] ATTENDANCE ENHANCEMENT FACILITATOR [OFFICER]. Each school district must employ at least one student attendance enhancement facilitator. The student [school] attendance enhancement facilitator [officer] may be selected by:

- (1) the county school trustees of any county;
- (2) the board of trustees of any school district or the boards of trustees of two or more school districts jointly; or
- (3) the governing body of an open-enrollment charter school.

SECTION 2. Section 25.089, Education Code, is amended to read as follows:

Sec. 25.089. COMPENSATION OF STUDENT ATTENDANCE ENHANCEMENT FACILITATOR [OFFICER]; DUAL SERVICE NOT PERMITTED. (a) A student [An] attendance enhancement facilitator [officer] may be compensated from the funds of the county, independent school district, or open-enrollment charter school, as applicable.

(b) A student [An] attendance enhancement facilitator [officer] may not be the probation officer or an officer of the

juvenile court of the county.

SECTION 3. The heading to Section 25.091, Education Code, is amended to read as follows:

Sec. 25.091. POWERS AND DUTIES OF STUDENT [~~PEACE OFFICERS AND OTHER~~] ATTENDANCE ENHANCEMENT FACILITATORS AND PEACE OFFICERS.

SECTION 4. Section 25.091(b), Education Code, is amended to read as follows:

(b) A student [~~An~~] attendance enhancement facilitator [~~officer~~] employed by a school district [~~who is not commissioned as a peace officer~~] has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the student attendance enhancement facilitator [~~officer~~];

(2) to enforce compulsory school attendance requirements by:

(A) applying the truancy intervention procedures [~~prevention measures adopted~~] under Section 25.0918 [~~25.0915~~] to the student; and

(B) if the truancy intervention procedures [~~prevention measures~~] fail to meaningfully address the student's conduct, and the student has unexcused absences for the amount of time specified under Section 25.094 of this code or under Section 51.03(b)(2), Family Code:

(i) referring the student to a juvenile court or filing a complaint against the student in a county, justice, or municipal court [~~if the student has unexcused absences~~]

1 ~~for the amount of time specified under Section 25.094 or under~~
2 ~~Section 51.03(b)(2), Family Code]; and~~

3 (ii) filing a complaint in a county,
4 justice, or municipal court against a parent who violates Section
5 25.093;

6 (3) to monitor school attendance compliance by each
7 student investigated by the student attendance enhancement
8 facilitator ~~[officer]~~;

9 (4) to maintain an investigative record on each
10 compulsory school attendance requirement violation and related
11 court action and, at the request of a court, the board of trustees
12 of a school district, or the commissioner, to provide a record to
13 the individual or entity requesting the record;

14 (5) to make a home visit or otherwise contact the
15 parent of a student who is in violation of compulsory school
16 attendance requirements, except that the student attendance
17 enhancement facilitator ~~[officer]~~ may not enter a residence without
18 permission of the parent or of the owner or tenant of the residence;

19 (6) at the request of a parent, to escort a student
20 from any location to a school campus to ensure the student's
21 compliance with compulsory school attendance requirements; and

22 (7) if the student attendance enhancement facilitator
23 ~~[officer]~~ has or is informed of a court-ordered legal process
24 directing that a student be taken into custody and the school
25 district employing the facilitator ~~[officer]~~ does not employ its
26 own police department, to contact the sheriff, constable, or any
27 peace officer to request that the student be taken into custody and

processed according to the legal process.

SECTION 5. The heading to Section 25.0915, Education Code, is amended to read as follows:

Sec. 25.0915. [~~TRUANCY PREVENTION MEASURES,~~] REFERRAL AND FILING REQUIREMENT FOR TRUANCY CASES.

SECTION 6. Sections 25.0915(b) and (c), Education Code, are amended to read as follows:

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

(1) be accompanied by a statement from the student attendance enhancement facilitator for the student's school district certifying that:

(A) the school applied the truancy intervention procedures [~~prevention measures adopted~~] under Section 25.0918 [~~Subsection (a)~~] to the student; and

(B) the truancy intervention procedures [~~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.

(c) A court shall dismiss a complaint or referral made by the student attendance enhancement facilitator for a school district under this section that is not made in compliance with Subsection (b).

SECTION 7. Subchapter C, Chapter 25, Education Code, is

amended by adding Section 25.0918 to read as follows:

Sec. 25.0918. TRUANCY INTERVENTION PROCEDURES. (a) The student attendance enhancement facilitator for a school district shall apply the truancy intervention procedures under this section to students with unexcused absences to:

(1) address student conduct related to truancy in the school setting;

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

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

(b) Following a student's first unexcused absence, the student attendance enhancement facilitator shall contact the student's parent, either in person or by mail, telephone, electronic mail or any other form of electronic communication, and inform the parent of the student's unexcused absence.

(c) Following a student's second unexcused absence, the student attendance enhancement facilitator shall:

(1) contact the student's parent by telephone, state that the person is the district's student attendance enhancement facilitator, and discuss the following:

(A) that the student has accumulated two unexcused absences from school;

(B) the importance of school attendance in relation to academic achievement and the student's future;

(C) any impediments to the child's attendance in

1 school; and

2 (D) potential solutions that may prevent future
3 unexcused absences by the student;

4 (2) send a record of the telephone discussion, and any
5 data gathered during the telephone discussion, to the school
6 counselor assigned to the student; and

7 (3) in collaboration with the school counselor
8 assigned to the student, conduct an assessment of the student,
9 including:

10 (A) an evaluation of the student's past and
11 current academic achievement;

12 (B) whether the student is currently receiving
13 special education services;

14 (C) a discussion with the student's teachers
15 regarding the student's classroom conduct and daily academic
16 progress; and

17 (D) a meeting with the student to discuss any
18 reasons underlying the student's unexcused absences, and any
19 potential remedies to prevent further unexcused absences.

20 (d) Following a student's third unexcused absence, the
21 student attendance enhancement facilitator shall:

22 (1) conduct a conference with the student, the
23 student's parent, and any school employees that the facilitator
24 considers appropriate; and

25 (2) following the conference, create an immediate
26 student attendance plan, which includes:

27 (A) specific actions for the student, the

1 student's parent, and school employees to take that will promote
2 school attendance and academic achievement for the student; and

3 (B) additional actions to be taken by the
4 student, the student's parent, school employees, or the facilitator
5 following each additional unexcused absence accumulated by the
6 student, including outreach to appropriate social services and
7 nonprofit entities.

8 (e) In this section, "parent" includes a person standing in
9 parental relation.

10 SECTION 8. Sections 25.094(a) and (c), Education Code, are
11 amended to read as follows:

12 (a) An individual commits an offense if the individual:

13 (1) is 12 years of age or older and younger than 18
14 years of age;

15 (2) is required to attend school under Section 25.085;
16 and

17 (3) fails to attend school on 10 or more days or parts
18 of days within a six-month period in the same school year [~~or on~~
19 ~~three or more days or parts of days within a four-week period~~].

20 (c) On a finding by the county, justice, or municipal court
21 that the individual has committed an offense under Subsection (a)
22 or on a finding by a juvenile court in a county with a population of
23 less than 100,000 that the individual has engaged in conduct that
24 violates Subsection (a), the court shall [~~may~~] enter an order that
25 includes at least one [~~or more~~] of the requirements listed in
26 Article 45.054, Code of Criminal Procedure[~~, as added by Chapter~~
27 ~~1514, Acts of the 77th Legislature, Regular Session, 2001~~]. The

1 court may not order the individual to pay a fine for an offense
2 committed under Subsection (a) or for conduct that violates
3 Subsection (a).

4 SECTION 9. Sections 25.095(a) and (c), Education Code, are
5 amended to read as follows:

6 (a) A school district or open-enrollment charter school
7 shall notify a student's parent in writing at the beginning of the
8 school year that if the student is absent from school on 10 or more
9 days or parts of days within a six-month period in the same school
10 year [~~or on three or more days or parts of days within a four-week~~
11 ~~period~~]:

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

14 (2) the student is subject to prosecution under
15 Section 25.094 or to referral to a juvenile court in a county with a
16 population of less than 100,000 for conduct that violates that
17 section.

18 (c) The fact that a parent did not receive a notice under
19 Subsection (a) or Section 25.0918 [~~(b)~~] does not create a defense to
20 prosecution under Section 25.093 or 25.094.

21 SECTION 10. The heading to Section 25.0951, Education Code,
22 is amended to read as follows:

23 Sec. 25.0951. [~~SCHOOL DISTRICT~~] COMPLAINT OR REFERRAL BY
24 STUDENT ATTENDANCE ENHANCEMENT FACILITATOR FOR FAILURE TO ATTEND
25 SCHOOL.

26 SECTION 11. Sections 25.0951(a) and (d), Education Code,
27 are amended to read as follows:

1 (a) If a student fails to attend school without excuse on 10
2 or more days or parts of days within a six-month period in the same
3 school year, the student attendance enhancement facilitator for a
4 school district shall within 10 school days of the student's 10th
5 absence:

6 (1) file a complaint against the student or the
7 student's parent or both in a county, justice, or municipal court
8 for an offense under Section 25.093 or 25.094, as appropriate, or
9 refer the student to a juvenile court in a county with a population
10 of less than 100,000 for conduct 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 (d) A court shall dismiss a complaint or referral made by
15 the student attendance enhancement facilitator for a school
16 district under this section that is not made in compliance with this
17 section.

18 SECTION 12. Section 51.03(b), Family Code, is amended to
19 read as follows:

20 (b) Conduct indicating a need for supervision is:

21 (1) subject to Subsection (f), conduct, other than a
22 traffic offense, that violates:

23 (A) the penal laws of this state of the grade of
24 misdemeanor that are punishable by fine only; or

25 (B) the penal ordinances of any political
26 subdivision of this state;

27 (2) the absence of a child on 10 or more days or parts

1 of days within a six-month period in the same school year [~~or on~~
2 ~~three or more days or parts of days within a four-week period from~~
3 ~~school~~];

4 (3) the voluntary absence of a child from the child's
5 home without the consent of the child's parent or guardian for a
6 substantial length of time or without intent to return;

7 (4) conduct prohibited by city ordinance or by state
8 law involving the inhalation of the fumes or vapors of paint and
9 other protective coatings or glue and other adhesives and the
10 volatile chemicals itemized in Section 485.001, Health and Safety
11 Code;

12 (5) an act that violates a school district's
13 previously communicated written standards of student conduct for
14 which the child has been expelled under Section 37.007(c),
15 Education Code;

16 (6) conduct that violates a reasonable and lawful
17 order of a court entered under Section 264.305;

18 (7) notwithstanding Subsection (a)(1), conduct
19 described by Section 43.02(a)(1) or (2), Penal Code; or

20 (8) notwithstanding Subsection (a)(1), conduct that
21 violates Section 43.261, Penal Code.

22 SECTION 13. Sections 25.090, 25.091(a), 25.0915(a),
23 25.094(d), 25.095(b), and 25.0951(b), Education Code, are
24 repealed.

25 SECTION 14. The changes in law made by this Act apply only
26 to an offense committed or conduct that occurs on or after the
27 effective date of this Act. An offense committed or conduct that

1 occurs before the effective date of this Act is governed by the law
2 in effect on the date the offense was committed or the conduct
3 occurred and the former law is continued in effect for that purpose.
4 For purposes of this section, an offense is committed or conduct
5 occurs before the effective date of this Act if any element of the
6 offense or conduct occurs before the effective date.

7 SECTION 15. This Act takes effect September 1, 2015.