

SUBJECT: Advance notice to parents of responsibility for student truancy

COMMITTEE: Public Education — favorable, with amendment

VOTE: 7 ayes — Sadler, Dutton, Grusendorf, Hochberg, Lengefeld, Olivo, Smith
0 nays
2 absent — Dunnam, Oliveira

SENATE VOTE: On final passage, April 28 — 30-0

WITNESSES: For — Mike Cantrell, Dallas County
Against — None

BACKGROUND: Under sec. 25.093, Education Code, if any parent of a child fails to require the child to attend school as required by law, the school attendance office shall warn the parent in writing that attendance is immediately required. If a parent with criminal negligence still fails to require the child to attend school after being warned, the parent commits an a Class C misdemeanor, punishable by a maximum fine of \$500, with each day the child remains out of school being a separate offense.

Education Code sec. 25.094 provides that a truant child commits a Class C misdemeanor. Under the Family Code, a justice court or municipal court judge may order the child to attend various training or counseling or suspend the child's driver's license. A child who violates the order is transferred to juvenile court.

The attendance officer must file a complaint against the parent in county court, a justice court in the county or a municipal court in the city where the parent resides or where the school is located. A school district must notify the parent in writing if, in a six-month period, the student has unexcused absences five times for any part of the day that the parent and the student are subject to prosecution if the child is absent more than ten or more days in a six-month period.

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DIGEST: SB 1572, as amended, would require notice in writing to be sent to parents or guardians in advance at the beginning of the school year that the parent or guardian would be subject to prosecution if the student was absent from school for three days or parts of days within a four-week period without parental consent or had unexcused absences totaling ten days or parts of days within a six-month period.

A truancy violation could be referred to a justice court in any precinct of the county where the parent resided or where the school was located except as otherwise provided in the Education or Family Code. The child also could be subject to prosecution in any precinct of the county where the parent or school was located, in the event the appropriate juvenile court had waived jurisdiction.

SB 1572 would repeal current law requiring that when a truancy case has not been referred to the courts, the attendance officer must instead refer the child to the county juvenile probation department for engaging in conduct which indicates need for supervision.

SB 1572 would amend the Family Code to add that truant conduct or conduct resulting in failure to attend school would not be counted as a misdemeanor charge when two or more misdemeanors would result in referral of the child to juvenile court.

SB 1572 would amend the Education Code to require valid, legal identification of parent or guardian to be presented at the time of enrollment.

This bill would take effect August 1, 1999, if finally passed by a two-thirds record vote of the membership of each house. and would apply to an offense committed on or after this date.

NOTES: The committee amendment would change the section of the bill dealing with enrollment to include the parent or legal guardian, not custodian, and to require valid, legal identification upon enrollment, rather than proof of relationship.