

BILL ANALYSIS

Senate Research Center

S.B. 821
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In several places in the Family Code, “school” is referenced as either “primary” or “secondary.” It has been generally understood that “primary” means elementary school, but there has not been clarity. This is important because the code allows people to “return children to school at the time school resumes” or to pick them up at the “time school recesses.”

Often, there are times they will return the children to school at the “time school would regularly resume.” The question has been which “school calendar” times we follow, especially in situations where a child is in preschool/prekindergarten. Without a clear definition of “school,” there can often be confusion and therefore disagreement between parents, which is not in the child’s best interest.

Section 74.21, Administrative Code, defines two levels of school: Elementary - kindergarten through Grade 5; and Secondary - Grades 6-12.

The purpose of S.B. 821 is to change all references in the Family Code from the word “primary” to “elementary” and to clarify that “elementary” includes “prekindergarten.”

S.B. 821 amends current law relating to references to school in the Family Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 34.002(a), Family Code, as follows:

(a) Provides that a parent or both parents of a child may enter into an authorization agreement with a relative of the child listed in Section 34.001 (Applicability) to authorize the relative to perform the following acts in regard to the child:

(1) and (2) Makes no change to these subdivisions;

(3) to enroll the child in a day-care program or preschool or in a public or private elementary, rather than primary, or secondary school;

(4)-(7) Makes no change to these subdivisions.

SECTION 2. Amends Section 101.028, Family Code, as follows:

Sec. 101.028. SCHOOL. Provides that "school" means an elementary, rather than a primary, or secondary school in which a child is enrolled or, if the child is not enrolled in an elementary, rather than a primary, or secondary school, the public school district in which the child primarily resides. Provides that a reference to elementary school, for purposes of this section, includes prekindergarten.

SECTION 3. Amends Section 153.3101, Family Code, to change references to primary to elementary.

SECTION 4. Amends Section 261.105(d), Family Code, to change a reference to primary to elementary.

SECTION 5. Provides that the changes in law made by this Act are nonsubstantive and intended to conform references to "school" in the Family Code to usage in other law.

SECTION 6. Effective date: September 1, 2015.