



Truancy Bills Guide—84th Legislative Session

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REFORM BILLS

Reform bills change the way that truancy law operates in some fundamental way. There are **two types of fundamental changes proposed** by truancy bills this session: (1) **decriminalization** of the Class C misdemeanor of “Failure to Attend School” (FTAS); and (2) requiring **increased school interventions** before a court referral.

There are three categories of bills here:

- (1) Comprehensive reform bills (both decriminalize & increase school interventions);**
- (2) Pure school accountability bills (increase school interventions only); and**
- (3) Pure decriminalization bills.**

(1) Comprehensive reform bills (both decriminalize & increase school interventions)

Bill Number	Current Law Affected by Bill	Bill Changes
HB 297 (Wu)	<p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor <p>§ 25.093, EDUC. CODE (PARENT CONTRIBUTING TO NONATTENDANCE)</p> <ul style="list-style-type: none"> • Establishes “Parent Contributing to Nonattendance” as a Class C misdemeanor <p>§ 25.0915, EDUC. CODE (TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT)</p> <ul style="list-style-type: none"> • (a) Requires school districts to adopt truancy prevention measures designed to minimize complaints or referrals to court 	<ul style="list-style-type: none"> • Repeals • Repeals • Related to the above two offenses, repeals procedural statutes in the Code of Criminal Procedure, Education Code, Family Code, and Government Code • (a) Adds requirement that schools adopt progressive sanctions

	<ul style="list-style-type: none"> • (b) Requires schools to submit a statement with every court referral or complaint stating that they applied truancy prevention measures that failed • (c) Requires court to dismiss any case where school does not comply with (b) <p>§ 25.091, EDUC. CODE (POWERS AND DUTIES OF PEACE OFFICERS AND OTHER ATTENDANCE OFFICERS)</p> <ul style="list-style-type: none"> • (a) Requires peace officer serving as attendance officers to apply and enforce truancy prevention measures 	<ul style="list-style-type: none"> • (b) Adds compliance with progressive sanctions to statement requirements <p>NEW § 25.0945, EDUC. CODE (PROGRESSIVE SANCTIONS FOR FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • (a) Requires schools to impose progressive sanctions before court referral for truancy; progressive sanctions may consist of <ul style="list-style-type: none"> ○ (1) warning letter to student/parent ○ (2) (A) signed behavior contract that includes description of student’s behavior, time period contract is effect (max 45 schools days), and penalties for additional absences ○ (2)(B) school-based community service ○ (3) referral of the student to counseling, community-based services, or other services • (b) May include participation by child’s parents • (c) Gives authority to refer child to court for the CINS offense of truancy only if child fails to comply or complete the progressive sanctions under this section <ul style="list-style-type: none"> • (a) Also requires these attendance officers to enforce progressive sanctions
<p>HB 378 (White)</p>	<p>Exact same language as HB 297 (Wu)</p>	

<p>HB 1490 (Huberty)</p>	<p>§ 51.03, FAMILY CODE (DELINQUENT CONDUCT; CONDUCT INDICATING A NEED FOR SUPERVISION)</p> <ul style="list-style-type: none"> • Establishes “Truancy” as CINS offense • Defines truancy to require: <ul style="list-style-type: none"> ○ At least 10 unexcused absences within a 6-month period in one school year; OR ○ At least 3 unexcused absences within a four-week period <p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor <p>§ 25.093, EDUC. CODE (PARENT CONTRIBUTING TO NONATTENDANCE)</p> <ul style="list-style-type: none"> • Establishes “Parent Contributing to Nonattendance” as a Class C misdemeanor <p>§ 25.0915, EDUC. CODE (TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT)</p> <ul style="list-style-type: none"> • (a) Requires school districts to adopt truancy prevention measures designed to minimize complaints or referrals to court • (b) Requires schools to submit a statement with every court referral or complaint stating that they applied truancy prevention measures that failed 	<ul style="list-style-type: none"> • Repeals 3 unexcused absences definition • Repeals • Repeals • Related to the above two offenses, repeals procedural statutes in the Code of Criminal Procedure, Education Code, Family Code, and Government Code related to the above two offenses • (a) Adds requirement that schools adopt progressive truancy interventions • (b) Adds compliance with progressive sanctions to statement requirements
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- (c) Requires court to dismiss any case where school does not comply with (b)

NEW § 25.0917, EDUC. CODE (PROGRESSIVE TRUANCY INTERVENTION SYSTEM)

- (a) Requires schools to impose progressive sanctions before court referral for truancy; the progressive sanctions must include at least three levels
- (b) Shall apply first tier of sanctions at three unexcused absences, shall apply successive tiers of interventions for additional absences
- (c) First tier of progressive sanctions must include:
 - (1) conference with student, parent, school employee & regular follow-up meetings
 - (2) signed attendance contract, includes description of students conduct, effective period (max 45 days), and description of consequences for additional absences
- (d) At least one tier of sanctions after the first must include an individualized assessment of the student by a school employee that:
 - (1) identifies reasons for unexcused absences;
 - (2) refers student to counseling, if necessary; and
 - (3) refers student to any services that focus on addressing absences
- (e) Consequences for a student with additional absences after the first tier of sanctions may include:
 - (1) school-based community service;
 - (2) participation in school-based restorative justice program;
 - (3) referral to school-based teen court;
 - (4) weekend courses;
 - (5) if receiving special education services, full reevaluation
 - (6) if not receiving special education services,

	<p>§ 25.091, EDUC. CODE (POWERS AND DUTIES OF PEACE OFFICERS AND OTHER ATTENDANCE OFFICERS)</p> <ul style="list-style-type: none"> • (a) Requires peace officer serving as attendance officers to apply and enforce truancy prevention measures 	<p>initial special education evaluation</p> <ul style="list-style-type: none"> • (a) Also requires these attendance officers to enforce progressive sanctions
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(2) Pure school accountability bills (increase school interventions only)

Bill Number	Current Law Affected by Bill	Bill Changes
<p>HB 2397 (White)</p>	<p>§ 51.03, FAMILY CODE (DELINQUENT CONDUCT; CONDUCT INDICATING A NEED FOR SUPERVISION)</p> <ul style="list-style-type: none"> • Establishes “Truancy” as CINS offense • Defines truancy to require: <ul style="list-style-type: none"> ○ At least 10 unexcused absences within a 6-month period in one school year; OR ○ At least 3 unexcused absences within a four-week period <p>§ 25.088, EDUC. CODE (SCHOOL ATTENDANCE OFFICER)</p> <ul style="list-style-type: none"> • Requires each school district to employ at least one school attendance officer <p>§ 25.089, EDUC. CODE (COMPENSATION OF ATTENDANCE OFFICER; DUAL SERVICE)</p> <ul style="list-style-type: none"> • (b) Attendance officer may be the probation officer or an officer of the juvenile court of the county 	<ul style="list-style-type: none"> • Repeals 3 unexcused absences definition • Changes name of this employee to a school attendance enhancement facilitator (SAEF) • (b) SAEF may not be a law enforcement officer (i.e., must be employee of school district)

	<p>§ 25.091, EDUC. CODE (POWERS AND DUTIES OF PEACE OFFICERS AND OTHER ATTENDANCE OFFICERS)</p> <ul style="list-style-type: none"> • (a) Requires peace officer serving as attendance officers to apply and enforce truancy prevention measures • (b) Requires attendance officer to apply and enforce truancy prevention measures <p>§ 25.0915, EDUC. CODE (TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT)</p> <ul style="list-style-type: none"> • (a) Requires school districts to adopt truancy prevention measures designed to minimize complaints or referrals to court • (b) Requires schools to submit a statement with every court referral or complaint stating that they applied truancy prevention measures that failed • (c) Requires court to dismiss any case where school does not comply with (b) 	<ul style="list-style-type: none"> • (a) repealed • (b) replaces attendance officer with SAEF, has the same duties with respect to the new truancy intervention procedures <ul style="list-style-type: none"> • (a) Repealed; replaced by truancy intervention procedures in § 25.0918 • (b) Adds compliance with truancy intervention procedures to statement <p>NEW § 25.0918, EDUC. CODE (TRUANCY INTERVENTION PROCEDURES)</p> <ul style="list-style-type: none"> • (a) SAEF shall apply truancy intervention measures to address truancy, minimize need for court involvement, • (b) At first unexcused absence, SAEF shall contact student's parent and inform them of absence • (c) At second unexcused absence, SAEF shall: <ul style="list-style-type: none"> ○ (1) contact parent with specific discussion points regarding the absences and how to address them ○ (2) send record of the parent contact to student's counselor ○ (3) along with the counselor, conduct an assessment of the student, including: <ul style="list-style-type: none"> ▪ (A) evaluation of academic performance
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	<p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor 	<ul style="list-style-type: none"> (B) whether student receives special education services (C) discuss with student’s teachers about academic progress (D) meeting with student to discuss any reasons underlying unexcused absences, and potential remedies (d) At third unexcused absence, SAEF shall: <ul style="list-style-type: none"> (1) conduct conference with student, parent, school employees (2) create student attendance plan immediately following the conference Prohibits punishment by fine, in any amount, for this offense
<p>SB 106 (Whitmire)</p>	<p>§ 25.085, EDUC. CODE (COMPULSORY SCHOOL ATTENDANCE)</p> <ul style="list-style-type: none"> (e) Allows a school to revoke the enrollment of individuals who voluntarily attend school after age 18 if they have at least 5 unexcused absences in a semester <p>§ 25.0915, EDUC. CODE (TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT)</p> <ul style="list-style-type: none"> (a) Requires school districts to adopt truancy prevention measures designed to minimize complaints or referrals to court (b) Requires schools to submit a statement with every 	<ul style="list-style-type: none"> (e) Makes clear that the school may not revoke the enrollment of the individual on a day at which the individual is physically present at school New: (g) Requires school to issue an enrollment revocation warning letter to these students when they reach 3 unexcused absences New: (h) Allows schools to impose a behavior improvement plan instead of revoking enrollment New: (a-1) Sets out specific truancy prevention measures; under these, the school may... <ul style="list-style-type: none"> (1) Impose: <ul style="list-style-type: none"> (A) signed behavior improvement plan:

	<p>court referral or complaint stating that they applied truancy prevention measures that failed</p> <ul style="list-style-type: none"> • (c) Requires court to dismiss any case where school does not comply with (b) <p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • (e) Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor 	<ul style="list-style-type: none"> • (1) description of behavior required or prohibited for the student • (2) maximum 45 day effective period • (3) penalties for additional absences <ul style="list-style-type: none"> ▪ (B) school-based community service <ul style="list-style-type: none"> ○ (2) Refer student to counseling, community-based services, or other in-school or out-of-school services for truancy • New: (d) Requires school to employ a truancy prevention facilitator to implement the truancy prevention measures • New: (e) Allows truancy prevention facilitator to be an existing district employee • Changes the classification from a Class C misdemeanor to just a “misdemeanor” • Changes the fine structure: <ul style="list-style-type: none"> ○ (1) \$100 max for 1st offense ○ (2) \$200 max for 2nd offense ○ (3) \$300 for third offense ○ (4) \$400 for 4th offense; or ○ (5) \$500 for 5th or subsequent offense
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(3) Pure decriminalization bills

Bill Number	Current Law Affected by Bill	Bill Changes
HB 93 (White)	<p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor 	<ul style="list-style-type: none"> • Repeals

	<p>§ 25.093, EDUC. CODE (PARENT CONTRIBUTING TO NONATTENDANCE)</p> <ul style="list-style-type: none"> Establishes “Parent Contributing to Nonattendance” as a Class C misdemeanor 	<ul style="list-style-type: none"> Repeals Related to the above two offenses, repeals procedural statutes in the Code of Criminal Procedure, Education Code, Family Code, and Government Code
<p>SB 285 (West)</p>	<p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor <p>§ 51.04, FAMILY CODE (JURISDICTION)</p> <ul style="list-style-type: none"> (a) gives juvenile court exclusive jurisdiction over delinquent conduct or conduct indication a need for supervision (CINS) (b) requires each county juvenile board to designate at least one juvenile court <p>§ 51.10, FAMILY CODE (RIGHT TO ASSISTANCE OF ATTORNEY; COMPENSATION)</p> <ul style="list-style-type: none"> (a) Allows child to be represented by an attorney at every stage of juvenile court proceedings 	<ul style="list-style-type: none"> Repeals Related to the above offense, repeals procedural statutes in the Code of Criminal Procedure, Education Code, Family Code, and Government Code New: (j) allows counties of 1.75 million or more to designate a county, justice, or municipal court as the proxy of the juvenile court for hearing the truancy CINS offense New: (a-1) Creates an exception where children may not be represented by an attorney in truancy CINS offenses <p>NEW § 54.0492, FAMILY CODE (REMEDIES IN TRUANCY CASES)</p> <ul style="list-style-type: none"> Gives justice, county, or municipal courts hearing truancy CINS offenses as proxies of the juvenile court all of their previous dispositional powers that they had for FTAS cases (which were in Art. 45.054, Code of Crim. Pro.)

<p>HB 2632 (Dutton)</p>	<p>§ 25.094, EDUC. CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • Establishes “Failure to Attend School” (FTAS) as a Class C misdemeanor (i.e., maximum fine of \$500) • (d-1) allows peace officers to take students into custody with probable cause that student committed the offense 	<ul style="list-style-type: none"> • (a) Changes the classification of FTAS from a Class C to a civil penalty, with maximum fine of \$200 • (d-1) also allows peace officer to issue a citation to the student instead of taking into custody • New: (e-1) a civil penalty is not a conviction and cannot be considered a conviction for any purpose • New: (e-2) district or county attorney shall bring actions in county, justice, or municipal court to collect the civil penalties of students who are issued a citation or taken into custody for truancy • Related to the shift from a Class C to a civil penalty, alters procedural statutes in the Code of Criminal Procedure, Education Code, Family Code, and Government Code
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PUNISHMENT REDUCTION BILLS

Punishment reduction bills decrease the severity of sanctions that can be given to a student convicted of the Class C misdemeanor of “Failure to Attend School,” which under current law include a **fine of up to \$500** and placement in a **secure (locked) facility—through contempt exceptions—** for a period of time. Punishment reduction bills are distinct from reform bills because they reduce or eliminate sanctions available under current law, but do not do anything else.

There are two categories of bills here:

- (1) Reduce or eliminate fines; and**
- (2) Prohibit secure confinement of a student, allowed through contempt proceedings.**

(1) Reduce or eliminate fines

Bill Number	Current Law Affected by Bill	Bill Changes
HB 107 (White)	§ 25.094, EDUCATION CODE (FAILURE TO ATTEND SCHOOL) <ul style="list-style-type: none"> • (a) Creates as an offense failing to attend school for a certain period • (e) An offense is a Class C misdemeanor 	<ul style="list-style-type: none"> • (e) changes the punishment to a Class C misdemeanor punishable only by a fine of up to \$20
HB 697 (White)	§ 45.054, CODE OF CRIMINAL PROCEDURE (FAILURE TO ATTEND SCHOOL PROCEEDINGS) <ul style="list-style-type: none"> • (a) On a finding of Failure to Attend School, gives county, justice, or municipal courts jurisdiction to enter an order requiring a student to attend school or attend special programming • (j) A county, justice, or municipal court may waive/reduce fees or court costs if payment would cause financial hardship. 	<ul style="list-style-type: none"> • (j) Requires courts to waive/reduce fines, fees or court costs if payment would cause financial hardship

(2) Prohibit secure confinement of a student, allowed through contempt proceedings

Bill Number	Current Law Affected by Bill	Bill Changes
HB 110 (White)	§ 25.094, EDUCATION CODE (FAILURE TO ATTEND SCHOOL) <ul style="list-style-type: none">• (a) Creates as an offense failing to attend school for a certain period• (d) If a child violates an order issued under this section, the child can be confined.• (e) An offense is a Class C misdemeanor	<ul style="list-style-type: none">• NEW: (h) Prohibits a court to punish a child for contempt of court or delinquent conduct by confinement in jail or in a juvenile detention center.

PROCEDURAL BILLS

Procedural bills alter the procedural laws that govern how truancy cases move through the courts; they do not affect substantive policies like the reform or punishment reduction bills do. Procedural bills are designed to either **reduce the burden of truancy cases** or **protect youth through additional procedural safeguards**.

There are three categories of bills here:

- (1) Allow truancy cases to be redistributed between courts within the same county;
- (2) Help youth pay for court costs and services; and
- (3) Require additional procedural safeguards.

(1) Allow truancy cases to be redistributed between courts within the same county

Bill Number	Current Law Affected by Bill	Bill Changes
HB 516 (Moody)	<p>§ 25.094, EDUCATION CODE (FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • (a) Creates as an offense failing to attend school for a certain period • (b)(1-3) Allows offenses to be prosecuted in the constitutional county court, the justice court, or the municipal court where the school is located or where the individual lives, depending on the county population. 	<ul style="list-style-type: none"> • (b)(2) Allows offenses to be prosecuted in justice courts designated to hear cases arising under this section; if there are none, the case can be heard at any county in which the individual lives or in which the school is located.
HB 519 (Moody)	<p>§ 25.093, EDUCATION CODE (PARENT CONTRIBUTING NONATTENDANCE)</p> <ul style="list-style-type: none"> • (a) Creates as an offense parents failing to require a child to attend school. • (b)(1-3) Requires a school official to file a complaint against the parent in the constitutional county court, the justice court, or the municipal court where the school is located or where the individual lives, depending on the county population. 	<ul style="list-style-type: none"> • (b)(2) Allows complaints to be filed in justice courts designated to hear cases arising under this section; if there are none, the case can be heard at any county in which the individual lives or in which the school is located.

(2) Help youth pay for court costs and services

Bill Number	Current Law Affected by Bill	Bill Changes
HB 2398 (White)	None – creates a new chapter	<p data-bbox="1140 232 1946 293">NEW CHAPTER: SUBTITLE B, SECTION 2, GOVERNMENT CODE (JUDICIAL DONATION TRUST FUNDS)</p> <p data-bbox="1140 345 1871 375">§ 36.001, GOVERNMENT CODE (ESTABLISHMENT OF TRUST FUNDS)</p> <ul data-bbox="1182 383 1927 492" style="list-style-type: none"> <li data-bbox="1182 383 1927 492">• (a-b) Allows a municipality or county to establish a judicial donation trust fund, into which donations and gifts can be placed. <p data-bbox="1140 540 1822 570">§ 36.002, GOVERNMENT CODE (PROCEDURES AND ELIGIBILITY)</p> <ul data-bbox="1182 578 1957 800" style="list-style-type: none"> <li data-bbox="1182 578 1957 800">• (a-b) A municipality or county must adopt procedures and eligibility requirement necessary to disperse money in the fund to needy children and families who appear before local courts, specifically with the purpose to eliminate barriers to school attendance or to prevent delinquent conduct. <p data-bbox="1140 849 1808 878">§ 36.003, GOVERNMENT CODE (USE OF FUNDS IN ACCOUNT)</p> <ul data-bbox="1182 886 1946 1036" style="list-style-type: none"> <li data-bbox="1182 886 1946 1036">• (a) The judge of a justice or municipal court will award the money to eligible children and families who appear in court for truancy, curfew violations, or other proceedings.

(3) Require additional procedural safeguards

Bill Number	Current Law Affected by Bill	Bill Changes
HB 1359 (Wu)		<p data-bbox="1140 1286 1898 1347">NEW § 45.02151, CODE OF CRIMINAL PROCEDURE (INSTRUCTION TO MINOR BEFORE PLEA)</p> <ul data-bbox="1182 1396 1940 1464" style="list-style-type: none"> <li data-bbox="1182 1396 1940 1464">• (a-b) Requires that before a court takes the plea of a defendant younger than 18, the court must inform the

	<p>§ 45.054, CODE OF CRIMINAL PROCEDURE (FAILURE TO ATTEND SCHOOL PROCEEDINGS)</p> <ul style="list-style-type: none"> • (a)(1-5) Allows a court to order an individual found guilty of a failure to attend school offense to a variety of punishments, including attending school, special programming, community service, etc. <p>§ 25.0915, EDUCATION CODE (TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT)</p> <ul style="list-style-type: none"> • (a)(1-3) Requires school districts to adopt truancy prevention measures that address student conduct, minimize the need for referrals to juvenile court, and minimize the filing of complaints. • (b) Sets procedure and requirements for referrals to juvenile court for truancy. • (c) Requires courts to dismiss complaints or referrals made by school districts that are not in compliance with section b. 	<p>defendant of the potential consequences of having a criminal record (including having an impact on college applications, future military service, and employment opportunities).</p> <ul style="list-style-type: none"> • (c) Requires the supreme court to develop language to be used for the statement described by section (b). <ul style="list-style-type: none"> • (a-3) Requires the court to offer deferment if the defendant has not previously participated in a pretrial diversion program for truancy, even been convicted of a truancy offense, or been the subject of a dispositional order the article. <ul style="list-style-type: none"> • (c) Adds the requirement that courts must dismiss complaints or referrals that do not satisfy the elements required for the offense, are not timely filed, or are
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	<p>§ 25.0951, EDUCATION CODE (SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • (a-b) Requires school districts, after an extended period of truancy, to file a complaint against a student or the student’s parents or to refer the student to juvenile court. • (d) Requires a court to dismiss a complaint or referral made by a school district that is not in compliance with this section. 	<p>otherwise defective, and requires that these dismissals occur before a hearing and without requiring the presence of the defendant.</p> <ul style="list-style-type: none"> • New: (d)(1-2) Requires the agency to adopt rules creating minimum standards for truancy prevention measures adopted by school districts, and to establish a set of best practices for truancy prevention. • (d) Adds the requirement that courts must dismiss complaints or referrals that do not satisfy the elements required for the offense, are not timely filed, or are otherwise defective, and requires that these dismissals occur before a hearing and without requiring the presence of the defendant.
<p>HB 1365 (Guillen)</p>	<p>This bill is identical to HB 1359 (Wu)</p>	
<p>HB 1571 (White)</p>	<p>§ 25.0951, EDUCATION CODE (SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR FAILURE TO ATTEND SCHOOL)</p> <ul style="list-style-type: none"> • (a-b) Requires school districts, after an extended period of truancy, to file a complaint against a student or the student’s parents or to refer the student to juvenile court. • (d) Requires a court to dismiss a complaint or referral made by a school district that is not in compliance with this section. 	<ul style="list-style-type: none"> • New: (b-1) Adds the requirement that school districts must provide notice to parents that they are entitled to employ an attorney to represent them • (d) Adds that a complaint or referral is not in compliance if the school district did not provide notice of the parent and student’s right to counsel.

<p>HB 1753 (White)</p>	<p>§ 54.03, FAMILY CODE (ADJUDICATION HEARING)</p> <ul style="list-style-type: none"> • (a) Requires an adjudication hearing to determine whether a child has engaged in delinquent conduct or requires supervision • (g) Requires that if a court or jury finds that a child did not engage in delinquent conduct, the court must dismiss the case with prejudice 	<p>NEW § 45.0531, CODE OF CRIMINAL PROCEDURE (DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE OR FAILURE TO ATTEND SCHOOL CHARGE)</p> <ul style="list-style-type: none"> • Permits a court to dismiss a parent contributing to nonattendance or failure to attend school charge if there is a low likelihood of recidivism by the defendant, or there is sufficient justification for the failure to attend school. • New: (g-1) Permits courts to dismiss a case alleging a child engaged in conduct indicating a need for supervision with prejudice if there is a low likelihood of recidivism, or if there is sufficient justification for the failure to attend school.
<p>SB 560 (Lucio)</p>	<p>This bill is identical to HB 1359 (Wu)</p>	

EXPUNCTION BILLS

Expunction bills make it easier for youth to protect from public disclosure the adult criminal records that comes with a Class C “Failure to Attend School” conviction. Under the current procedure, only some youth are eligible for an expunction and the youth must apply and pay a fee. Few youth go through this process. These bills **make it easier for “Failure to Attend School” records to be expunged**, protecting youth from the collateral consequences of a public criminal history.

There are two categories of bills here:

- (1) Reduce requirements for expunction; and**
- (2) Provide a streamlined expunction procedure under certain conditions.**

(1) Reduce requirements for expunction

Bill Number	Current Law Affected by Bill	Bill Changes
SB 108 (Whitmire)	<p>§ 45.054, CODE OF CRIMINAL PROCEDURE (FAILURE TO ATTEND SCHOOL PROCEEDINGS)</p> <ul style="list-style-type: none"> • (a)(1-5) Allows a court to order an individual found guilty of a failure to attend school offense to a variety of punishments, including attending school, special programming, community service, etc. • (i)(1-2) Requires a court to dismiss a complaint if the student has successfully complied with the conditions imposed by the court or if the student has obtained a high school diploma or a high school equivalency certificate. <p>§ 45.055, CODE OF CRIMINAL PROCEDURE (EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES)</p> <ul style="list-style-type: none"> • (a-b) Allows a person convicted of not more than one failure to attend school offense to apply to the court to have their conviction and records related to the 	<ul style="list-style-type: none"> • (i)(1) Repeals this section, which requires a dismissal if the student has successfully complied with the conditions imposed by the court • (a-b) Repeals the portion of the code that requires a person to have only been convicted of a single failure to attend school violation

	<p>conviction expunged, any time on or after the person's 18th birthday.</p> <ul style="list-style-type: none"> • (c) The court can order the expunction with or without a hearing, but will only order the expunction after finding that the person has only been convicted of a single violation. 	<ul style="list-style-type: none"> • (c) Requires the court to order the expunction as soon as the court receives the expunction application; removes the single violation requirement.
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(2) Provide a streamlined expunction procedure under certain conditions

Bill Number	Current Law Affected by Bill	Bill Changes
<p>HB 2268 (Thompson)</p>	<p>§ 45.055, CODE OF CRIMINAL PROCEDURE (EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES)</p> <ul style="list-style-type: none"> • (a-b) Allows a person convicted of not more than one failure to attend school offense to apply to the court to have their conviction and records related to the conviction expunged, any time on or after the person's 18th birthday. • (c) The court can order the expunction with or without a hearing, but will only order the expunction after finding that the person has only been convicted of a single violation. • (e) Requires the court to grant the expunction if the person has completed all conditions of the court or the person presents proof of a high school diploma or equivalency exam before 21st birthday 	<ul style="list-style-type: none"> • (b) Allows the persons parent or guardian to file the application • (c) Removes the single violation requirement; court may consider any factors in deciding whether to grant the expunction • (e) Requires court to order an expunction—without an application being made—whenever an individual successfully complies with all of the court's orders