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Officials weighing new laws when considering daytime curfew

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While Waco city staff determine whether to recommend a proposed daytime curfew for certain youth, new state legislation also is being considered as part the mix.

Unbeknown to members of a task force that convened this summer to examine whether a curfew would help keep students in school, state legislators passed laws this spring that could help police crack down on truancy.

The laws, which went into effect Sept. 1, are designed to give police authority to transport students in violation of compulsory attendance laws back to school when found off-campus. Before the laws were passed, some police agencies did this in practice, although it was not clearly authorized in state law.

Charley Wilkison, legislative director of the Combined Law Enforcement Associations of Texas, said the new laws were designed to provide a simple tool for police to prevent kids from skipping school.

"The concept was, why can't you just take them back to the place where they obviously need to go?" he said. "School is the place where their parents think they are and the place where taxpayers are paying for them to be."

Two laws were passed that address separate but related issues.

House Bill 2237 contains provisions stating that police who believe a child is in violation of compulsory school attendance can take a juvenile into custody to return the student to the campus he or she attends.

State Rep. Mark Strama, who helped author the language in HB 2237, said the intent was to give all law enforcement officers the same authority as school attendance officers to escort students found off campus "back to school as soon as possible to continue their education."

House Bill 776 adds the child's school to the list of places where police can drop off juveniles they take into custody. Before the legislation was passed, the state's Family Code only authorized officers to release juveniles to their parents or guardians, to a detention facility, to an office designated by the county's juvenile board or to a medical facility if the child was in need of health care.

HB 776 says the principal or the principal's designee would have to assume responsibility for the child for the remainder of the school day before a child is released at the school.

Wilkison said the legislation is ingenious because it allows police to take students back to school but avoids criminalizing the students.

"Why do you start a kid down the road to being a criminal by taking them down to juvenile (detention) and introducing them to the gang leaders?" he said. "Let's haul their butt back to school where they belong."

Curfew foes, many of whom home-school their children, believe the ordinance could lead to police harassing or wrongfully detaining their children.

Karen Derrick-Davis, a home-school parent who has opposed the proposed ordinance, said **the new laws appear to take away the rationale that a curfew is needed to give police authority to immediately return students to school when they are found skipping school.** However, she said she is concerned that the laws could be broadly interpreted to take away home-school students' rights to be in public places unattended by an adult if their parent has allowed it.

"They shouldn't interpret it to mean that kids should have to be in their home," she said.

Wilkison said the laws will allow police to give truants a "free taxi ride" back to school while avoiding the court system.

"If somebody wants to fight over it, it would be strange," he said. "Conservatives love this because this gets back to the old thing of putting kids back in school. Liberals love this law because it stops the criminalization of the world's longest running thing besides sex: That is, running off and skipping school."