

Compulsory Attendance

Texas

Compulsory Attendance

- Who is required to attend school?
 - ◆ A child who is at least 6 years of age, or who is younger than 6 years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday, is required to attend school.

Those also required to attend school include:

- A child on enrollment in pre-kindergarten or kindergarten;
- A person in an extended year program for students identified as likely not to be promoted, or in tutorial classes required under Section 29.084;
- A person assigned to an accelerated reading instruction program under Section 28.006(g);
- A child assigned to an accelerated instruction program under Section 29.086;
- A child assigned to basic skills program under Section 29.086;
- A child in a summer program provided under Section 37.008(1) or Section 37.021.

Attendance of 18-21 year old students TEX.EDUC.CODE 25.085

- A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday **shall** attend school each school day for the entire period of the program. Enrollment may be revoked after the person has more than 5 unexcused absences in a semester.

Compulsory Attendance Exceptions

TEX.EDUC.CODE 25.086

- A child attending a private or parochial school with a course in good citizenship;
- A child child eligible to participate in a school district's special education program under Section 29.003 who cannot be appropriately served by the resident district;
- A child who has a physical or mental condition of a temporary and remediable nature that makes attendance infeasible, holding a certificate from a qualified physician;

Con't Compulsory Attendance Exceptions TEX.EDUC.CODE 25.086

- A child who is expelled in a district without a mandatory juvenile justice alternative education program;
- A child who is at least 17 years old and attending a course in preparation for the high school equivalency examination, and:
 - ◆ Has the permission of the child's parent;
 - ◆ Is under court order;
 - ◆ Has established a separate residence; or
 - ◆ Is homeless

Con't Compulsory Attendance Exceptions TEX.EDUC.CODE 25.086

- A child who is at least 17 years old and has a high school diploma or high school equivalency certificate;
- A child who is at least 16 years old and is attending a course in preparation for the high school equivalency examination if:
 - ◆ A public agency has recommended, or a court has ordered the course; or
 - ◆ The child is enrolled in a Job Corps training program.

Con't Compulsory Attendance Exceptions TEX.EDUC.CODE 25.086

- A child is enrolled in the Texas Academy of Mathematics, Science, leadership in humanities, international studies; And
- A child who is exempt under another law.

Warning Notices

Warning notices to parent are required at the beginning of the school year, and again when a student has accumulated 3 absences.

- At the beginning of the school year:
 - ◆ A school district shall notify the parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a 6-month period in the same school, or on 3 or more days or parts of days within a 4-week period, the parent is subject to prosecution for “parenting contributing to nonattendance,” and the student is subject to prosecution for “failure to attend school.”

Con't Warning Notice

TEX.EDU.CODE 25.095

- When the student has 3 absences:
 - ◆ The school district **shall** notify a parent if the student has been absent without excuse, on 3 days or parts of days within a 4-week period.
 - ◆ This notice must:
 - Inform the parent that:
 - It is the parent's duty to monitor & require the student to attend school, and
 - The parent is subject to prosecution for “parent contributing to nonattendance,” and
 - Request a conference between school officials & the parent.

Complaints/Referral for Failure to Attend School

TEX.EDUC.CODE 25.0951

- **Mandatory Action** - If a student fails to attend school without excuse on 10 or more days or parts of days within a 6-month period in the same school year, the school district **must**, within 10 school days of the student's last absence:
 - ◆ File a complaint against the student or the student's parent, or both; or
 - ◆ Refer the student to a juvenile court for conduct indicating a need for supervision.

Complaints/Referral for Failure to Attend School

TEX.EDUC.CODE 25.0951

- **Permissive Action** – When a student fails to attend school without excuse on 3 or more days or parts of days within a 4-week period, the school district may:
 - ◆ File a complaint against the student or the student's parent, or both; or
 - ◆ Refer the student to a juvenile court for conduct indicating a need for supervision.

Excused Absences

TEX.EDUC.CODE 25.087

■ Permissive

- ◆ A student may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the student is enrolled

■ Mandatory

- ◆ A school district shall excuse a student:
 - ◆ For observance of religious holy days, including travel; or
 - ◆ For temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment.

Who Enforces Compulsory Attendance?

- School districts may employ attendance officer to enforce compulsory attendance laws.
- If a school elects not to employ attendance officers enforcement of compulsory attendance laws require that:
 - ◆ Peace officers of counties & districts and superintendents enforce attendance laws without additional compensation.

Compulsory Attendance v. Loss of Credit

■ Compulsory Attendance

- ◆ Does not enforce excused absences
- ◆ Not related to loss of credit
- ◆ Cannot be made up

■ Loss of Credit (90% rule) (Section 25.092(a))

- ◆ Excused and unexcused absences count
- ◆ Excused and unexcused “time” can be made up (After school tutoring, Saturday School, etc.)

Related WebLinks

- <http://tlo2.tlc.state.tx.us/statutes/docs/ED/content/word/ed.002.00.000025.00.doc>
- http://www.mache.cc/homeschooling_requirements.htm
- <http://www.nthen.org/tecode.htm>

Further Reading – Court Cases

- Plyer v. Doe
- Martinez v. Bynum
- Pierce v. Society of Sisters
- Wisconsin v. Yoder
- Johnson v. Charles City Community Schools Board of Education
- Swanson v. Guthrie Independent School District I-L