

ATTENDANCE:  
COMPULSORY ATTENDANCE

FEA  
(REGULATION)

PURPOSE

The purpose of this administrative regulation is to provide guidance in developing a universal approach to promoting a culture of attendance for students. Regular attendance is essential to student success in the classroom each and every day. The State of Texas has compulsory attendance laws that require a student to be in attendance each school day for the entire time instruction is provided. The District shall encourage every student to attain perfect attendance through a concerted program of counseling and guidance.

The Superintendent of Schools or designee shall:

1. Inform all operating personnel of the compulsory attendance law, Board policies, and administrative regulations relating to attendance.
2. Supervise and coordinate efforts to achieve optimum student attendance.

The principal and/or the assistant principal if applicable of each school shall serve in the role of a truancy prevention facilitator and shall be responsible for:

1. Informing all students and their parent/guardian of the legal requirements and the District's regulations concerning compulsory attendance;
2. Implementing truancy prevention measures; and,
3. Meeting annually with a court case manager to discuss effectiveness of truancy prevention measures.

PERSONS SUBJECT  
TO COMPULSORY  
ATTENDANCE

Compulsory attendance applies to students who are:

- at least six years old as of September 1 of the applicable school year
- between the ages of six and nineteen years of age, unless the student is exempt under §25.086
- voluntarily enrolled in prekindergarten or kindergarten

Compulsory attendance also applies to certain extended-year programs, tutorial classes, accelerated reading instruction programs, accelerated instruction programs, basic skills programs, and summer programs subject to certain disciplinary removals.

FAILURE TO ATTEND  
SCHOOL

A student absent without permission from school; from any class; from required special programs, such as additional special instruction termed "accelerated instruction by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to the consequences described in policy, administrative regulations and the student handbook and code of conduct.

COMPULSORY  
ATTENDANCE NOTICE

Parents shall be notified in writing (see Exhibit A), by the Superintendent or Superintendent's designee and the campus principal, at the beginning of the school year that if a student is absent from school on ten (10) or more days or parts of days within a six-month period in the same school year:

1. The student's parent/guardian may be subject to criminal prosecution under TEC 25.093; and
2. The student is subject to referral to a truancy court for truant conduct or prosecution under TEC 25.094.

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This notice is published in the Board-approved *Student Handbook and Student Code of Conduct* that is distributed to all students during online enrollment at the beginning of each school year and to new students upon enrollment.

CAMPUS NOTICES TO  
PARENTS  
REGARDING  
ABSENCES

The campus principal or assistant principal shall enforce the Texas compulsory laws and provide notice of absence as follows:  
(see Exhibit B and Exhibit C)

1. Automated phone calls will be placed to parents or guardians notifying them when a student has been marked absent. It is the parent's or guardian's responsibility to ensure that he/she provides current and up to date contact information to the school.
2. A student will be issued a warning notice when attendance records reflect that the student has absences without an excuse on three days or parts of days in a four week period (see Exhibit D). Further, the parent/guardian will receive a request to attend a conference with the student for the purpose of addressing truancy prevention measures for students who exhibit attendance issues in order to improve the student's overall attendance. (*Texas Education Code 25.087 & 25.0915*)
3. If a student fails to attend school without an excuse on 10 or more days or parts of days within a six-month period in the same school year and those absences have been verified by the campus as unexcused, students ages 12 – 18 may be referred to the prosecutor of the truancy court. At this point, the court could also file a criminal complaint against parents who contribute to the nonattendance of their child, regardless of their child's age. (*Texas Education Code 25.093*)

A campus may issue a warning letter to a student attending school after age 19 and may revoke enrollment for the student if the student has more than 5 unexcused absences in one semester; or as an alternative, impose a behavior improvement plan on the student. A campus cannot revoke the enrollment of an older student on a day which the student is physically present at school.

TRUANCY  
PREVENTION  
MEASURES

If a student has been absent without excuse on three days or parts of days within a four week period, the school must issue a warning notice to inform the parent/guardian that the student is subject to truancy prevention measures in addition to other statutory requirements in existence. After a parent receives Exhibit D and if no corrections are made, the campus principal or assistant principal will implement one or more of the following truancy prevention measures:

1. Impose a behavior improvement plan including specific behavior required or prohibited of the student and the period of time the plan will be in place;
2. Impose school-based community service; or,
3. Refer the student to counseling, mediation, teen-court or other in-school or out-of-school service aimed at addressing the student's truant behavior.

If an absence does not meet the criteria for an excused absence or one of the extenuating circumstances specified in Board policy, the absence will be considered unexcused for attendance accounting purposes.(see FEA (LEGAL))

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Regardless of the number of additional unexcused absences, no other letter from the campus will be sent.

TRUANCY

Truancy is defined as an absence of a student from school for other than excused reasons without the consent of a parent or guardian. Truancy may be for a full day or for any part of a day including an individual class period or for leaving campus during the school day without permission.

REFERRAL TO COURT  
FOR TRUANT  
CONDUCT

After a parent receives Exhibit - D and the student is between the ages of 12-18, fails to attend school without excuse on 10 or more days or parts of days within a six-month period, a school district shall refer a student to truancy court within 10 days of the student's 10<sup>th</sup> absence, once the absences have been verified by the campus principal or assistant principal to be unexcused and did not meet one of the following exemptions listed in *Texas Education Code 25.0915 (a-3)*:

1. The student is pregnant.
2. The student is homeless.
3. The student is in the state foster care program.
4. The student is the primary income earner for the student's family.

If one or more of these situations is the cause of the student's absences, the school will continue to implement and monitor truancy prevention measures and will offer additional counseling and support. The student may **not** be referred to truancy court.

The campus may file a criminal complaint against the parent/guardian in a justice court, municipal court, or county court, if none of the above exemptions is the cause of the student's absence. The campus must prove the absences are unexcused and a result of the parent's negligence. *Note: Evidence of "criminal negligence" can include documentation of warning notices, implementation of a behavior improvement contract signed by a parent and student, and any other information contained by the school district demonstrating an attempt to work with the student's parents.* (TEC 25.093 & 25.0951, 25.0952)

The campus may refer a student (ages 12 – 18) to truancy court, if the school finds its truancy prevention measures are not working. If the campus determines its truancy prevention measures are working and it is in the best interest of the student that a referral be delayed or not be made. If the truancy referral is delayed, a petition alleging truant conduct must be filed by a truant conduct prosecutor within 45 days after the tenth absence – not 45 days from the date a campus refers a child to truancy court.

A referral to truancy court is prohibited for students attending school after their 19<sup>th</sup> birthday.

COURT REFERRAL  
DOCUMENTATION

A referral to truancy court must be accompanied by a statement from the campus certifying that truancy prevention measures were applied, but failed; and specify whether the student is eligible for or receives special education services.

PERSONAL  
ILLNESS

When a student has **excessive absences for personal illness** that EXCEED five (5) consecutive days, or a total of six (6) days within a six-month period, the principal or principal's designee shall notify the student's parents of compulsory attendance requirements (see Exhibit H). This notice shall be sent

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when the student is absent for the fifth consecutive day or a total of six (6) days for personal illness without a statement from a physician, healthcare clinic or the school health coordinator. Absences for any reason other than personal illness should not be used when calculating the number of days absent for inclusion in the notification at Exhibit H. Eventually a student could receive the warning letter at Exhibit D if the student's **unexcused** absences, for failing to bring documentation that the student was seen by a physician or health clinic or receiving approval of the school health.

The warning letters (Exhibit D and H) shall inform parents that future absences or late arrivals by the student must be accompanied by a statement from a physician or health clinic verifying that the student was seen by a health care provider or the school health coordinator to determine whether the nature of the illness will be considered excused. [Due to confidentiality issues in the Health Insurance Portability and Accountability Act (HIPAA), students are not required to disclose the nature of the illness for which they have been to a doctor or health clinic, nor should employees ask.] A requirement for verification of the absence will remain in effect for the remainder of the school year in which it is initiated.

DISCREPANCIES AND  
CORRECTIONS

Each of the attendance warning letters issued by the District allows the parent five (5) school days from the date of the letter to contact a campus principal or assistant principal to discuss any discrepancies in the attendance record and/or provide appropriate documentation (doctor note, note regarding religious holy day observance, etc.). If the campus principal or assistant principal accepts the parent's reason(s)/documentation for changing the attendance record, the record will be changed at the home campus.

Corrections to the attendance record may also result in nullifying the initial reason for sending the attendance warning letter. If a review of the student's corrected attendance record indicates that the record no longer reflects a reason for receiving a warning letter, the student/parent is no longer under the obligations of the initial warning letter. If the student's future absences result in an attendance record that reflects the need for a warning letter, the appropriate warning letter will be sent to the student/parent at that time.

**Once a referral has been made to the appropriate court, the student's attendance record in the computer system shall not be altered at the home campus.**

FIVE-DAY GRACE  
PERIOD

The warning notification letter (Exhibit H) allows parents five (5) school days, as a grace period, to correct discrepancies. Once parents acknowledge receipt of the letter or the five-day grace period has elapsed, whichever is earlier, the parents are considered to be on notice regarding future violations. An unexcused absence that occurs prior to parent acknowledgement of the letter or during the five-day grace period shall not be used to initiate a referral. Unexcused absences occurring prior to parent acknowledgement or during this 5-day grace period, however, shall be used to calculate the student's overall attendance record. The intent of the warning notification letter is to allow parents the opportunity to correct the student's attendance record.

CALCULATION  
PERIODS

The calculation periods begin on the first day of absence for the type of warning notice being considered and ends based on the following:

1. A six-month period begins with the actual date of the student's first

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unexcused absence **OR** absence for personal illness, as appropriate. For example, if the first absence is on Sept. 17, calculate six (6) calendar months from Sept. 17 until March 17 to determine the six-month period.

2. A four-week period is calculated as four (4) calendar weeks from the actual date of the student's first unexcused absence. For example, if the first unexcused absence is on a Wednesday, begin with Wednesday and calculate forward four (4) weeks ending on a Tuesday to determine the four-week period.

In either case, from the actual date of the first absence in question, if the six-month or four-week period ends without a violation, the timeframe rolls forward to the next absence in question and a new six-month or four-week period is used for calculation.

The six-month period can roll forward to any six-month period with ten (10) or more unexcused absences if the initial unexcused absence(s) no longer falls within the initial six-month period.

For example, the following scenario depicts the need for the six-month period to roll forward:

- The first and second unexcused absences occur on Sept. 8 and Oct. 15;
- The student's 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> unexcused absences occur on February 3, 4, and 10; however, the 10<sup>th</sup> and 11<sup>th</sup> unexcused absences do not occur until March 10 and 18.

The six-month period from Sept. 8 until March 8 encompasses only eight (8) absences rather than the ten (10) unexcused absences in a six-month period that would trigger a referral; however, the number of unexcused absences from Oct. 15 through April 15 totals ten (10) days within a six-month period which will require a court referral, if there are no exceptions as outlined in TEC 25.0915 (a-3), or the student's truancy prevention measures have failed and the student is between the ages of 12-18.

PRINCIPAL'S  
RESPONSIBILITIES

The principal shall verify the absences of each student being referred to the court. **Once a referral has been made to the court, the student's attendance record in the computer system shall not be altered at the home campus.** This record is considered evidence for a future court case. If an error is found in a student's attendance record after a referral has been made, the principal or designee will contact the court with the necessary correction. The principal or principal's designee should keep record of additional absences and/or tardies for the remainder of the school year. This is extremely important at the elementary level since attendance is only recorded in the computer once for the day and violations can occur for any part of a day.

The principal is ultimately responsible for accurate and timely submission of PEIMS attendance data. The principal shall appoint a Campus PEIMS Administrator to ensure that PEIMS attendance data is reported accurately and in a timely manner. The principal shall consider this area of responsibility in the performance evaluation of the person assigned.

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**RESPONSIBILITIES OF CAMPUS PEIMS ADMINISTRATOR** The Campus PEIMS Administrator is delegated responsibility for monitoring personnel who input PEIMS attendance data, ensuring the data is entered in a timely manner, and verifying the data on a six-week basis. This person will also be the contact person for the District's PEIMS department when questions arise about the campus' data.

**RESPONSIBILITIES OF ASSISTANT SUPERINTENDENT FOR CURRICULUM AND INSTRUCTION** The Assistant Superintendent for Curriculum and Instruction will hold campus principals for the accurate reporting of attendance data and trancies, as well as meeting time frames established by the District for reporting data. The Assistant Superintendent for Curriculum and Instruction will include this responsibility in the principal's performance evaluation.

**VERIFICATION OF RESIDENCE** If school personnel suspect a student is not a legal resident of the school's attendance zone or of the District, the school can put the parent/guardian on notice of a pending withdrawal of the student at the end of the next three-week grading period unless the parent/guardian provides up-to-date evidence as proof of legal residency. [See FD (REGULATION) for a definition of a bona fide residence.]

**NONENROLLMENT** School employees who become aware of school-age children who are not enrolled in school should make attempts to contact the family to determine if school-age children are attending school. If it is determined that the school-age children are not attending school, the campus should make a referral to the court for failure to enroll.

**UNUSUAL CIRCUMSTANCES** The campus may make a home visit for the following reasons to determine if the campus should make a referral to the court:

1. If school personnel have been unable to contact the parents of a student who is absent;
2. If school personnel suspect the family has moved without withdrawing the student;
3. If school personnel suspect the parents have withdrawn the student but failed to move;
4. If the student fails to return to school after one day's absence when excluded due to head lice;
5. If students are withdrawn for failure to provide immunization records and do not enroll with the proper documentation within one week;
6. If transfer students have accumulated excessive absences in their previous school or have excessive days of non-enrollment; or
7. If other unusual circumstances arise.

**HOME SCHOOL** Student who are home schooled are exempt from the compulsory attendance requirement to the same extent as students enrolled in private schools. Students should be disenrolled by school officials when they receive written notice either by signing a withdrawal form, presenting a letter of withdrawal or completing Regulation FEA Exhibit G. It is not necessary for the parents to

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make a personal appearance with school officials or present curriculum for review.

Campuses which become aware of a student who is potentially being home schooled may request in writing a letter of assurance from the parent/guardian or by having them complete Regulation FEA Exhibit G. This letter or form is not required each year. If the parent/guardian refuses to submit a letter of assurance or complete Regulation FEA Exhibit G or the campus has evidence that the school-aged child is not being home schooled within legal requirements, the campus may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

Students enrolled in home school shall not be eligible for concurrent enrollment in District schools nor for participation in curricular or extracurricular activities except as required by law in the following circumstances:

1. Special education students participating in extracurricular activities;
2. Special education students and students identified under Title I, Part A, NCLBA participating in academic programs.