



Texas Association of School Boards

Legal Services

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Serving Texas Schools Since 1949

FAQ on Student Attendance

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1. Who is required to attend school?

State law requires children who are six years old as of September 1 to attend school through their 19th birthday, unless the student is exempt from attendance as discussed below. Compulsory attendance also applies to students who are younger than six who have previously been enrolled in first grade and to students below the age of six who are voluntarily enrolled in pre-kindergarten or kindergarten. Tex. Educ. Code § 25.085(b)-(c). For more information, see TASB Legal Services' [Compulsory Attendance and Truancy](#).

2. When is a student exempt from compulsory attendance?

Under Texas Education Code section 25.086, a student is exempt from compulsory attendance laws if the student satisfies the following:

- is at least 17 years of age and has been issued a high school equivalency certificate or diploma;
- attends a private or parochial school that includes in its course a study of good citizenship;
- is eligible to participate in a school district's special education program under Texas Education Code § 29.003 and cannot be appropriately served by the resident district;
- has a temporary and remediable physical or mental condition that renders attendance infeasible, and the student has a certificate from a qualified physician that meets statutory requirements;
- has been expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program;
- is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:
 - has the permission of the student's parent or guardian to attend the course;
 - is required by court order to attend the course;
 - has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or
 - is homeless;

- is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if:
 - the student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or
 - the student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. § 2801;
- is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or the Texas Academy of International Studies;
- is at least 16 years old and is enrolled in a high school diploma program under Chapter 18; or
- is specifically exempted under another law.

Tex. Educ. Code § 25.086(a).

3. What is an excused absence?

An excused absence allows a student to be excused from attending school, and therefore not subject to truancy enforcement. Certain excused absences listed in the Texas Education Code will also allow the student to be included in average daily attendance for that day for school funding purposes. For those absences, the student shall be allowed a reasonable time to make up schoolwork. Once the student satisfactorily completes the work, the day of absence shall be counted as a day of attendance for compulsory attendance purposes. In addition, the student cannot be penalized for such an absence. Tex. Educ. Code § 25.087(d).

4. When is the district required to excuse an absence?

A district must excuse absences for the following purposes:

- observing religious holy days;
- attending a required court appearance;
- appearing at a governmental office to complete paperwork required in connection with the student's application for citizenship;
- taking part in a naturalization oath ceremony;
- serving as an election clerk;
- a student in the conservatorship of the Department of Family and Protective Services (DFPS) participating in a documented activity that is ordered by a court in accordance with Texas Family Code chapters 262 or 263 and could not be scheduled outside of school hours, or an activity required under a service plan pursuant to Texas Family Code chapter 263, subchapter B;

- being temporarily absent for a health care appointment for the student or student’s child if the student starts classes or returns to school on the same day of the appointment;
- an absence resulting from a serious or life-threatening illness or related treatment that makes the student’s attendance infeasible, if the student or the student’s parent or guardian provides a certification from a physician licensed to practice medicine in this state specifying the student’s illness and the anticipated period of the student’s absence relating to the illness or treatment;
- visiting with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months; or
- conducting activities related to pursuing enlistment in a branch of the armed services of the United States or the Texas National Guard. The student must be 17 years of age or older to qualify for this exception.

Tex. Educ. Code § 25.087(b), (b-4)-(b-5).

5. When may the district choose to excuse an absence?

A district may excuse absences for the following purposes:

- serving as a voting clerk during early voting;
- visiting an institution of higher education during a student’s junior or senior year; or
- a student in grades 6-12 sounding “Taps” at a military honors funeral held in this state for a deceased veteran.

Tex. Educ. Code § 25.087(b-1)-(b-2), (c).

Districts can also choose to excuse absences for other reasons, but these locally excused absences are not offered the protections of Section 25.087(d). Namely, a district is not required to allow a student absent for these reasons to make up missed work, nor is there a prohibition on penalizing students for these absences. Practically speaking, districts often treat absences for these reasons the same as other excused absences. The following reasons are considered locally excused absences:

- any cause acceptable to the teacher, principal, or superintendent. Tex. Educ. Code § 25.087(a);
- visiting with the student’s active duty parent or legal guardian relative departing for, on leave from, or returning from deployment. Tex. Educ. Code § 162.002 art. V, § E.

Sometimes a student who is not physically present on campus may also be counted for school funding purposes because the student is participating in an approved and documented educational activity in a different location, such as an off-campus dual credit program. See the Texas Education Agency's [Student Attendance Accounting Handbook](#) for a complete list of absences.

6. How frequently must a student attend a course in order to receive credit?

Compulsory attendance is an entirely different concept from attendance for credit, commonly referred to as the "90% rule." See Tex. Att'y Gen. Op. No. JC-0398 (2001) (noting that the attendance for credit requirement is applicable without regard to whether the student is exempt from attendance). Texas Education Code section 25.092 requires that a student in grades kindergarten through grade 12 be in attendance for at least 90 percent of the days a class is offered in order to receive credit for the class or a final grade. Most absences that are excused are still counted when determining whether a student is in compliance with the 90 percent rule, but TASB Policy FEC(LOCAL), the policy governing the award of class credit by the attendance committee, allows the attendance committee to take into account whether an absence is excused in determining whether to award credit or a final grade.

Districts can adopt a provision that allows a student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered to be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit without the consent of the judge presiding over the student's case. Tex. Educ. Code § 25.092(a-1).

If a student fails to regain credit through a plan approved by the principal, a student in attendance for less than 90 percent of the days the class is offered may petition the district attendance committee for class credit or a final grade. An attendance committee, comprised mostly of classroom teachers, may give class credit or a final grade to a student because of extenuating circumstances. The board must appoint one or more attendance committees, establish guidelines for determining what constitutes extenuating circumstances, and adopt policies that establish alternative ways for students to make up work or regain credit lost because of absences. The alternatives must include at least one option that does not require a student to pay a fee. Tex. Educ. Code § 25.092(b). TEA cautions that this provision is not meant to require a student to spend a certain amount of time in "Saturday school" or another setting equal to the time missed. Section 25.092 is intended to give students a "reasonable opportunity to make up work or regain credit or a final grade even under challenging circumstances, including excessive absences that occur late in the school year." Tex. Educ. Agency, [To the Administrator Addressed Letter Re: Attendance, Admission, Enrollment Records, and Tuition - August 2017](#) (Aug. 18, 2017).

Transfer students, and other students who enroll in a class after the year or semester has begun, should not have the days of class that occurred before their enrollment counted against them for purposes of the 90 percent rule. As with any other student, to receive credit a student who enrolls after instruction for the year or semester has begun is required to demonstrate academic achievement and proficiency of the subject matter as required under Texas Education Code section 28.021 and state rules. Tex. Educ. Agency, [To the Administrator Addressed Letter Re: Attendance, Admission, Enrollment Records, and Tuition - August 2017](#) (Aug. 18, 2017).

It is important to note that many districts have exempted out of the 90 percent attendance for credit rule through a local innovation plan. See Tex. Educ. Code §§ 12A.001 et seq. (authorizing designation as a district of innovation). For these districts, the board-adopted innovation plan and local policy should designate alternatives to the 90 percent rule. Further information on districts of innovation is available at TASB Legal Services' [Districts of Innovation](#) eSource website.

This document is continually updated at tasb.org/services/legal-services/tasb-school-law-eshource/students/documents/faq-student-attendance.pdf. For more information on school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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