

ECISD 90% Rule Attendance Log

Date: _____

Student Name: _____ ID#: _____ Grade: _____

Action	Teacher/Supervisor	Date/Time Completed	Teacher/Supervisor Signature
<i>After school tutoring</i>	<i>Susan Smith</i>	<i>7/7/22 1 hour</i>	<i>Susan Smith</i>

Total Hours Completed: _____

Requirements: ___ Complete missing assignments as specified by the Attendance Committee;
 ___ No more unexcused absences in course this semester;
 ___ Make up hours assigned by the Attendance Committee;
 ___ Meet any other requirement(s) deemed appropriate by the Attendance Committee.
 ___ Other: _____

Options: ___ Attend before/after school tutorial sessions;
 ___ Attend administrative detention hall;
 ___ Attend Saturday detention hall;
 ___ Complete school-related library research before or after school.
 ___ Other: _____

I _____, hereby understand the requirements and options granted by the Attendance Committee. I understand that if I/my child make up the specified amount of time _____ my/my child's denied credit(s) may be awarded.

Staff Signature: _____ Title: _____

FEC Local

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

Absences Considered - Except as otherwise provided by law, all absences incurred while enrolled in the District shall be considered in determining whether a student has attended the required percentage of days under this policy.

Attendance Committees - The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092. The Superintendent shall make the specific appointments in accordance with legal requirements.

Parental Notice of Excessive Absences - A student and the student's parent or guardian shall be given writ-ten notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered. When a student's attendance drops below 90 percent of the days the class is offered, the student, parent, or representative may re-quest award of credit or a final grade by submitting a written petition to the appropriate attendance committee. Petitions for credit or a final grade may be filed at any time the student receives notice but, in any event, no later than 30 days after the last day of classes. The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. The attendance committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered. All components of the plan for regaining credit must be completed by June 15 of the academic year being appealed for credit. Extensions may be given for students attending summer school. A student who has lost credit or has not received a final grade be-cause of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

Personal Illness - The principal or attendance committee may require verification from a health-care provider in accordance with administrative regulations as a condition of classifying an absence for personal illness as one for which there are extenuating circumstances.

Best Interest Standard - In reaching consensus regarding a student's absences and how the student can be awarded credit or a final grade, the attendance committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent shall develop administrative regulations to document the attendance committee's decision.

Guidelines on Extenuating Circumstances - The attendance committee shall consider whether a student has mastered the essential knowledge and skills and maintained passing grades in the course or subject. When makeup work is completed satisfactorily, the attendance committee shall consider extracurricular absences and other excused absences as days of attendance for award of credit or a final grade. [See FEA] The attendance committee shall consider whether the reasons for the absences were out of the parent's or student's control and whether documentation for the absence is acceptable. The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

Imposing Conditions for Awarding Credit or a Final Grade - The attendance committee shall consider the student's unique circumstances and, if necessary, shall impose conditions for awarding credit or a final grade that permit the student to meet the instructional requirements of the class rather than assigning a student to attend a specified program for an amount of time equivalent to the student's absences. Conditions may include:

1. Maintaining attendance standards for the rest of the semester.
2. Completing additional assignments, as specified by the committee or teacher.
3. Attending tutorial sessions as scheduled.
4. Completing other instructional programs, as specified by the committee.
5. Taking an examination to earn credit. [See EHDB]
6. Attending a flexible school day program.
7. Attending summer school.
8. Attending any other program deemed appropriate by the committee.

In all cases, the student must earn a passing grade in order to receive credit.

Appeal Process - The decision of the campus-level attendance committee to deny credit or a final grade may be appealed to a District-level attendance committee by the parent or guardian submitting to the Super-intendent or designee a written request that includes the basis for disagreement with the decision of the campus-level committee.

FEC Legal

Absences Considered - In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. Atty. Gen. Op. JC-0398 (2001). A student's excused absence under Education Code 25.087(b)(3) [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule. Education Code 25.092(a-3)

90 Percent Rule - Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Principal's Plan - A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may 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 or a final grade without the consent of the judge presiding over the student's case.

Extenuating Circumstances - An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances. A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

Attendance Committee - A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

Appeal - If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

Additional Duties - A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

Education Code 25.092