

## **Educ. Code Section 25.092**

### **Minimum Attendance for Class Credit or Final Grade**

**(a)**

Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

**(a-1)**

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 for the class 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. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade under this subsection without the consent of the judge presiding over the student's case.

**(a-2)**

Subsection (a) does not apply to a student who receives credit by examination for a class as provided by Section [28.023 \(Credit by Examination\)](#).

**(a-3)**

A student's excused absence under Section [25.087 \(Excused Absences\)](#)(b)(3) may not be considered in determining whether the student has satisfied the attendance requirement under Subsection (a) or (a-1).

**(b)**

The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing 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 authorized under Section [11.158 \(Authority to Charge Fees\)](#)(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

**(c)**

A member of an attendance committee is not personally liable for any act or omission arising out of duties as a member of an attendance committee.

**(d)**

If a student is denied credit or a final grade for a class by an attendance committee, the student may appeal the decision to the board of trustees. The decision of the board may be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.

**(e)**

This section does not affect the provision of Section [25.087 \(Excused Absences\)](#)(b) regarding a student's excused absence from school to observe religious holy days.

**(f)**

The availability of the option developed under Subsection (b) must be substantially the same as the availability of the educational program developed under Section [11.158 \(Authority to Charge Fees\)](#)(a)(15).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 698, Sec. 2, eff. June 18, 1999. Amended by: Acts 2007, 80th Leg., R.S., Ch. 850 (H.B. [1137](#)), Sec. 3, eff. June 15, 2007. Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 6(a), eff. June 10, 2013. Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 7(a), eff. June 10, 2013. Acts 2013, 83rd Leg., R.S., Ch. 1029 (H.B. [2694](#)), Sec. 1, eff. June 14, 2013. Acts 2013, 83rd Leg., R.S., Ch. 1203 (S.B. [1365](#)), Sec. 1, eff. June 14, 2013. Acts 2021, 87th Leg., R.S., Ch. 314 (H.B. [699](#)), Sec. 4, eff. June 7, 2021. Acts 2021, 87th Leg., 2nd C.S., Ch. 5 (S.B. [15](#)), Sec. 2, eff. September 9, 2021.