



**Attendance Accounting
Procedure Manual
2023-2024**

Mt. Pleasant ISD Attendance Accounting Procedures Manual

This manual is for all school district personnel who are involved in the student attendance accounting process. Per state law, every Texas school district is required to adopt an attendance accounting system, whether manual or automated, that includes procedures that ensure the accurate taking, recording and reporting of attendance accounting data. District staff must report attendance information through the Public Education Information Management System (PEIMS). The Texas Education Agency (TEA) uses this attendance data to determine the allocation of Foundation School Program (FSP) funds to Mt. Pleasant ISD (MPISD).

As mandated by TEA, MPISD must have an attendance systems procedure manual in place that provides specific, detailed information on MPISD attendance accounting procedures. In order for the district to receive the maximum amount of funding for all students, to adhere to all attendance laws and regulations, and to ensure accuracy of records the procedures detailed in this manual must be followed. The following personnel must be aware of their individual responsibilities and must work together to assemble the required documentation.

The following positions at each campus are responsible for accuracy of attendance records:

| | |
|---------------------|------------------|
| Principal | Counselor |
| Assistant Principal | Attendance Clerk |
| Teacher | |

General Rules

1. All entries and/or corrections to printed attendance documents must be made in ink. No pencil or white-out allowed.
2. Corrections to data must be documented and signed by the individual making the correction(s).
3. Under no circumstances should a student be allowed to take attendance on behalf of a teacher.
4. Official attendance will be taken by 10:00 AM (CDC, Elementary and High School), 9:10 AM (DAEP), 9:15 AM (MPJH), and 10:35 AM (Wallace) on a regular school day.
5. For early release days, attendance will be taken as follows:
MPHS - 9:25 AM
DAEP-9:10 AM
MPJH - 8:57AM
Wallace - 9:00 AM
CDC -9:30AM
Elementary - 10:00 AM
6. All MPISD staff must comply with the TEA *Student Attendance Accounting Handbook* and *PEIMS Data Standards*.
7. **Students who are on campus and in their classroom at the time attendance is taken must have their official attendance conducted and completed by a classroom teacher or paraprofessional that meet the educational aide requirements. Attendance may not be taken by students or classroom aides and clerks that do not meet the requirements for paraprofessionals. . Using a 'sign-in' sheet to record attendance is not acceptable. (SAAH 2023, pg. 55)**

Teacher Procedures

- Take attendance at the appointed snapshot time each day
- Sign and date the Enrollment Verification Report at the end of the 1st and 4th six weeks.

Counselor and/or PEIMS Clerk Procedures

- Be responsible for student schedule changes in the student management software system.
- Notify appropriate teachers, assistant principals, and attendance clerks of schedule changes.

- Verify completed schedule changes. (The integrity of attendance rosters/records is compromised when scheduling changes are not maintained correctly and/or when incorrect dates are entered.)

Attendance Clerks

- Enter all attendance data in the student management software system on a daily basis.
- Contact parent/guardian to verify/document absence reason.
- Comply with all written campus/district attendance accounting procedures.
- Override teacher absence code with updated (bottom line) verification/documentation. *(If no office override, then teacher entry is reported to TEA.)*
- Run error scans and generate Official Daily Attendance Reports to verify attendance daily.
- Sign, date, and maintain Official Daily Attendance Reports in chronological order.
- Generate daily report of student(s) who have 3 or more consecutive absences
- Generate and mail attendance letters for students who have accumulated 3 absences as needed.
- **Generate and retain signed copies of the Enrollment Verification Report at the end of the 1st and 4th six weeks.**
- Generate Student Detail Reports and Campus Summary Reports every six weeks and one total at the end of the year. Obtain principal signatures on reports.

Assistant Principals

- Communicate with the attendance clerk when a discipline assignment results in out-of-school suspension (OSS) or in-school suspension (ISS).

Campus Principal

- Monitor timely implementation of district/campus attendance procedures.
- Designate and provide training for a campus alternate attendance assistant to support the attendance process during any temporary absence of the attendance clerk.
- Review the Campus Summary Reports and Student Detail Reports each six weeks for inconsistencies and/or any data totals with exceptionally high/low values.
- Sign and date the reports at the end of the year verifying student data.

Special Program Directors/Coordinators

- Review appropriate special program data and totals for accuracy at the end of each six weeks.
- After reviewing/verifying special program data advise corrections to or acceptance of report via email to the Attendance Clerk.

Record Retention

All attendance records will be maintained at the campus for five (5) years in a secure location. The Records Officer for the district is responsible for the maintenance and security of the attendance accounting records.

These records include:

Student Detail Reports (SDR) (paper or CD)
 Campus Summary Reports (CSR) (paper or CD)
 Signature pages related to the SDR or CSR (paper or CD)
 Official Daily Attendance Reports (signed and in chronological order)
 Enrollment Verification Reports (1st and 4th six weeks)
 Any sign-in/sign-out logs
 Any attendance notes

Important Reminder

1. Refer to the *MPISD website/Policy Online* / FEA (Local) for further information regarding MPISD attendance.
2. A parent or guardian has 3 days from the date of an absence (with a note, phone call, fax, or e-mail) to provide the school with documentation as to the reason for the absence. Failure to notify the school within 3 days will result in the absences converting to truancy.
3. Students **cannot be absent the first day of school/enrollment**. The entry date is the first day the student was physically present at the official attendance time.
4. Attendance Clerks NEVER enter attendance into TAC.
5. In eSchoolPLUS (ESP) you always enter attendance as 'Office'.
6. NEVER delete the "Teacher" entry.
7. Intermediate, Jr. High and High School campuses will collect attendance for all periods.
8. Tardies' are not reported to TEA and discipline resulting from a student's excessive tardies' is handled by each campus as deemed appropriate by the campus administrator.

TEA Student Attendance Accounting Handbook

<https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>

MPISD Board Policy

<https://pol.tasb.org/Home/Index/113>

Record Security

The student management software system housing the attendance data will only be accessible to authorized personnel. Access will be limited by individuals with proper user IDs and logins. Electronic backups will be maintained at the district level. The student management software system is backed up on a nightly basis.

Truancy

Please refer to *MPISD Online Policy I* FEA

Attendance Clerks will:

1. Generate and mail a letter to the parents once the student has accumulated 5 absences.
2. Provide a list to the campus administrator of those students receiving the attendance letter.
3. Provide additional data to the Campus Administrator or Attendance Officer as needed.

Campus Administrator will:

1. Determine and advise the attendance clerk if they require additional information. Advise the district Attendance Officers of the need to initiate truancy procedures on behalf of a student.

Attendance Officer will:

1. Institute district procedures including court action as provided by law.

MPISD Attendance Codes

| Code | Description | Explanation | Documentation |
|--------------|---|------------------------|-----------------------------------|
| A | Absent | State Absence - No ADA | |
| ABS | Absent Homebound | State Absence - No ADA | Homebound Teacher Record |
| AIS | Absent ISS | State Absence - No ADA | Parental Documentation |
| BRV | Bereavement | State Absence - No ADA | Parental Documentation |
| E | Excused Absence | State Absence - No ADA | Documentation Received |
| EXP | Expelled | State Absence - No ADA | Discipline Referral |
| MED | Medical Absence | State Absence - No ADA | Parental or Medical Documentation |
| PDA | Past Date Absence Submitted | State Absence - No ADA | Documentation received too late |
| PNA | Parent Note Absence | State Absence - No ADA | Parental documentation |
| S | Suspended | State Absence - No ADA | Discipline Referral |
| U | Unexcused | State Absence - No ADA | No documentation received |
| ADMIL | Parent Military Visit | No loss of ADA | |
| ALT | Present ALT School | No loss of ADA | |
| CIT | Acquiring Citizenship | No loss of ADA | Correspondence for INS |
| COL | College Days | No loss of ADA | Documentation from College |
| CRT | Court Appearance | No loss of ADA | Documentation from Court Clerk |
| DCP | Enrolled in an off campus Dual Program all day | No loss of ADA | |

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|------|---|----------------|--|
| DFPS | Under conservatorship of DFPS and misses for Court ordered activity | No loss of ADA | |
| ELE | Election Clerk | No loss of ADA | Documentation from election clerk's office |
| Ex | Extracurricular Activities | No loss of ADA | District employee provides documentation |
| F | Field Trip | No loss of ADA | District employee provides documentation |
| HB | Homebound | No loss of ADA | Copy of HB teachers log |
| ISS | In School Suspension | No loss of ADA | Discipline Referral |
| MEN | Mentorship approved by the District | No loss of ADA | |
| MEX | Medical Excuse | No loss of ADA | Doctors Note |
| MIL | Pursuing enlistment in the Military | No loss of ADA | |
| NAT | Naturalization Ceremony | No loss of ADA | Documentation of taking oath |
| OCW | Off campus work based learning opportunity | No loss of ADA | |
| ONC | On campus but out of class | No loss of ADA | Document from school staff |
| PRE | Present | No loss of ADA | Documentation for correction needed |

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|--------|--|----------------|---------------------------------------|
| REL | Religious Holy Day | No loss of ADA | Statement from Religious Organization |
| SKC | Skipped Class | No loss of ADA | Discipline Referral |
| T | Tardy | No loss of ADA | Teacher Document in TAC |
| TAPS | Missed school to perform TAPS at funeral 6-12 | No loss of ADA | |
| TIS | Tardy In School Suspension | No loss of ADA | Teacher document in TAC |
| TSB VI | Participate in short term class provided by Texas School for the Blind/Visual Impaired | No loss of ADA | |
| TSD | Participating in a short term class provided by the Texas School for the Deaf | No loss of ADA | |
| TxVSN | Enrolled full time in TxVSN classes | No loss of ADA | |
| TST | Testing | No loss of ADA | |

Attendance for the First Five (5) Days of School to Track No-Shows

These are the procedures to be followed for tracking student enrollment and attendance during the first five (5) days of the new school year. This will assist in identifying the no-show students.

1. Teachers will take attendance electronically or manually beginning the first day of school.
2. Attendance clerk will follow the Steps for Daily Attendance beginning with Step 3 (page 10 of this manual).
3. Attendance clerk will generate the attendance notification listing for 5 consecutive absences in eSchool.
 - a. This list will be the students who are no-shows OR need to have their entry date adjusted.
 - b. You will provide this list to your administrator and the registrar/data clerk responsible for input of entries/withdrawals.
 - c. Registrar will adjust the Entry Date for any student to the first day they are physically present or withdraw the student if they have not yet attended school.
 - d. All other absences for the first week of school will be cleared through appropriate execution of the Error Scan.

Enrollment/Membership Reconciliation 1st and 4th Six Weeks

Official TEA Requirement

The TEA Student Attendance Handbook mandates:

"Student membership from the teacher's roster is to be reconciled to the attendance accounting records at the end of the 1st and 4th six weeks reporting periods. The reconciliation is to verify that all students are reported on attendance records and that 'no show' students were purged from the attendance accounting system. District personnel are to develop a form to be used at the end of the 1st and 4th six weeks periods to show the total number of students in membership in each teacher's class during the official attendance period. The total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. This document is to be certified by the district PEIMS coordinator and his/her supervisor by signature."

Each campus principal will ensure that the following procedures are completed at the end of the 1st and 4th six weeks. Principals are held accountable for data accuracy and required campus reports every six weeks.

Processes:

Reconciliations must be completed by the 10th working day following end of the 1st and 4th six weeks.

Elementary:

1. Be sure all homerooms are set correctly
2. Be sure all enrollments and withdrawals have been processed.
3. Generate Enrollment Verification Report.
4. Generate Student Detail Report (SDR).
5. Balance signed **Enrollment Verification Report** to SDR
6. Send signed copy of Six Weeks Verification Form to the PEIMS Coordinator.
7. Retain all copies of Enrollment Verification Reports at the campus for five (5) years.

Secondary:

1. Be sure all student schedules are current prior to verifying enrollment.
2. Be sure all enrollments and withdrawals have been processed.
3. Generate the Enrollment Verification Report Status Reports.
4. Generate SDR.
5. Balance signed **Enrollment Verification Report** to SDR
6. Send signed copy of the Six Weeks Verification Form to the PEIMS Coordinator.
7. Retain all copies of the End-of-Day Teacher Status Reports at the campus for five (5) years.

Daily Attendance Steps

| Sten | | Description | Documentation |
|------|--|---|---|
| 1 | Generate Rosters for Substitutes | Short-term subs will not have security access to the teacher's gradebook. You will need to generate a Substitute Class Roster. You will manually enter the attendance from this roster into <i>eSchoolPlus</i> (ESP) | Generating Attendance Rosters for Substitute Teachers |
| 2 | Teachers submit attendance via TAC | Be sure the teachers have submitted attendance in TAC MPISD receives funding based on the official attendance time. | Verifying Teacher Submission of Daily/Period Attendance |
| 3 | Enter/Update Attendance in <i>eSchool/Plus</i> (ESP) | Corrections will be entered upon receipt of support documentation (i.e. parent/doctor notes, logs) and updates for any attendance submitted in hard copy (i.e. from substitute teachers) | Entering Attendance in <i>eschoolPlus</i> Attendance Entry Elem/Intermediate Video |
| 4 | Run Error Scan and/or Clean up Student Attendance | The Error Scan must be run before: <ul style="list-style-type: none"> • Calculating attendance letters • Running the Day Totals • Running state reports • Prior to report card generation | Attendance Error Scan Student Attendance Cleanup |
| 5 | Sign and file the Official Daily Attendance Report * | After you have verified that the attendance is correct for a given day, you will sign this report and file it in chronological order. NOTE: You will not have one for the 1 st day of school since students are not absent on the 1 st day. You will keep these reports for 5 years. | Official Daily Attendance Report |
| 6 | Generate Attendance Letters | Attendance letters will be sent once a student has accumulated 5 absences. | Generating Attendance Letters |

* Any changes or corrections made to the Official Daily Attendance Report after it has been generated must be made in ink and initialed.

Daily Attendance Checklist

1. Have Sub Rosters generated for all substitute teachers for the day.
2. Verify that all teachers have entered attendance by campus attendance time.
3. Make attendance correction in ESP
4. Run Error Scan
5. Run Official Daily Attendance Report
6. Verify the accuracy of the Official Daily Attendance Report
7. Sign, date and file (chronologically) the Official Daily Attendance Report
8. Generate attendance letters

Attendance Steps for Each Six Weeks

| | | | |
|---|---|--|--|
| 1 | Six Weeks Attendance Entered and Correct | <p>For the six weeks just completed be sure you have:</p> <ul style="list-style-type: none"> • All attendance updated and correct • All enrollments/withdrawals up-to-date • Any enrollments/changes to Start and End Date for any special program corrected. | |
| 2 | Generate Student Detail Report | <ol style="list-style-type: none"> 1. Approximately 1 week after the end of <u>each</u> six weeks you will generate <u>program specific</u> Student Detail Reports. You will email the report(s) to the special program coordinators or diagnosticians for your campus. They will review and advise corrections or acceptance in a responding email. 2. At the end of the 1st and 4th six weeks you will <u>print</u> the SDR. This will be used to for the enrollment/Membership Reconciliation referenced on pg. 3. 3. At the end of each six weeks after you have received approval on the program specific reports. You will generate and save the report to CD. You will print the signature page for the attendance clerk and the campus principal to sign. | <p>Student Detail Report-Program Specific</p> <p>Student Detail Report</p> |
| 3 | Generate Campus Summary Report | <p>Approximately 1 week after the end of <u>each</u> six weeks you will generate and print the CSR to give to the campus principal for review. You will print the signature page for the principal and attendance clerk to review.</p> <p>Save a copy of the report to CD (it can be saved to the same CD with the Student Detail Report)</p> | Campus Summary Report |
| 4 | Generate Teacher Attendance Verification Reports | <p>For each six weeks you will generate the Attendance Verification Reports; the teachers will sign the reports, return to you. You will retain these reports for 5 years</p> | Attendance Verification Report |
| 5 | 1 st and 4 th Six Weeks Attendance Verification | <p>At the end of the 1st and 4th six weeks <u>only</u> you will generate the Enrollment Verification Report and reconcile those reports to the Student Detail Report.</p> <p>Once you have reconciled the teacher report to the SDR, you will complete the Six Weeks Verification Form and return it to the PEIMS Coordinator.</p> | <p>Enrollment Verification Report</p> <p>Six Weeks Verification Form</p> |

Attendance Frequently Asked Questions

| Question | Answer |
|--|--|
| Do we need a note from the religious institution if a student is stating absence in observance of a holy day? | A review of MPISD board policy and the Student Attendance Accounting Handbook (SAAH) substantiates that a parent note is acceptable documentation for this attendance code. |
| Can a required appearance at Immigration and Naturalization Services (INS) for the purpose of the student becoming a naturalized citizen be a recognized absence? | <p>Yes, as stated in the SAAH, we will receive funding if a student "misses school for the purpose of appearing at the governmental office to complete paperwork required in connection with the student's application for United States citizenship."</p> <p>We will also receive funding if a student is absent "for the purpose of taking part in a United States naturalization oath ceremony".</p> <p>In both instances MPISD will receive funding (recognized absence) for up to 2 days. MPISD may elect to excuse additional travel days; however, the student would be considered absent (non-recognized) for the additional travel days for attendance accounting purposes.</p> |
| If a social worker arranges a health care appointment for the student in which the student is absent for the entire day can we code this under the Medicaid screening? | Yes, IF the student is already receiving Medicaid services. If the student is not already receiving Medicaid services, the student is absent. |
| Will we accept an invoice/bill from the health care provider's office as documentation for a health care annointment? | Yes, as long as the student's name and the date they were absent is noted on the statement/bill. |
| What absences are to be reported on the Official Daily Attendance Report? | Any attendance marked for a student on a given day should be reflected on the Official Daily Attendance Report. |
| At what point do we notify the truancy officer of student absences? After I send a campus letter at 5 absences is it my responsibility to notify the truancy officer? | A campus administrator will advise the truancy officer of when they want to initiate truancy procedures for a given student. |
| When a student is signed out before 10:00 AM are they considered absent, coded A, since you have a signature from the parent on the early release. | The student would be coded A. Per the SAAH "students who are absent at the time the attendance snapshot is taken are counted absent for funding purposes." |

| | |
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| <p>If they go to the doctor because they left sick and return tomorrow is it considered a MEX? Is there a certain amount of time the student must be present for it to be considered a MEX?</p> | <p>The student would be coded MEX. To date TEA has not specified a certain amount of time the student must be present. "To be considered temporarily absent, the student must begin classes or return to school on the same day of the appointment." (SAAH)</p> |
| <p>If a student leaves before 10:00 AM and comes back at some point on the same day after 10:00 AM without a note - how do we code them?</p> | <p>The student will be coded ABS - Absent or PRN - parent note if you the parent signed the student in and out.</p> |
| <p>How do I know at what point to take a child's attendance issue before the attendance committee (at what number of absences)?</p> | <p>The campus administrator will set this guidelines based on the 90% rule.</p> |

Reminders and Helpful Tips

1. No student is absent the first day of school/enrollment. The enrollment date is changed to the first day the student is physically present in school.
2. Students must be in attendance at least 90% of the days classes are offered. Students absent more than 18 days a year are subject to lose credit or be retained. Absences that exceed the 90% rule will be referred to the campus attendance committee for review.
3. A parent/guardian has 3 days from the date of an absence (with a note, phone call, fax, or e-mail) to provide the school with documentation as to the reason for the absence. Failure to notify the school within 3 days will result in the absences converting to truancy.
4. **Never** delete any attendance entry in *eSchoolPlus* (ESP). This keeps the *TAC* interface correct.
5. In ESP you always enter attendance as 'Office'.
6. Attendance clerks never enter attendance into *TAC*.
7. Middle and high school attendance will be corrected for all periods in order to correctly assess test exemption status.
8. Truancy action will not be initiated unless a campus administrator notifies the Truancy Officer to begin the procedure.
9. Perfect Attendance Reports are optional and are generated at the end of each marking period.
10. The Official Daily Attendance Report can be generated approximately 1 week later to allow time to make corrections.

INFORMATION ONLY

August 18, 2017

TO THE ADMINISTRATOR ADDRESSED:

Re: Attendance, Admission, Enrollment Records, and Tuition

This letter summarizes important statutes relating to student attendance, public school admission, enrollment records, and tuition. Part I of the letter relates to compulsory attendance, Part II relates to attendance for course credit, Part III relates to public school admission, Part IV relates to enrollment records, and Part V relates to tuition.¹ In each part, we have identified which statutes do or do not apply to open-enrollment charter schools.² We hope you will find this summary helpful as you begin the 2017-2018 school year.

I. Compulsory Attendance

The statutes described in this part apply to **open-enrollment charter schools** in addition to school districts.

Persons Subject to Compulsory Attendance

Under §25.085,³ compulsory attendance applies to students who are at least six years old as of September 1 of the applicable school year. The law requires a student to attend public school until the student's 19th birthday, unless the student is exempt under §25.086.

Under §25.085(c), compulsory attendance also applies to students below the age for compulsory attendance during any period that the student is voluntarily enrolled in prekindergarten or kindergarten.

In addition, under §25.085(d), compulsory attendance applies to certain extended-year programs, tutorial classes, accelerated reading instruction programs, accelerated instruction programs, basic skills programs, and summer programs for students subject to certain disciplinary removals.

Compulsory attendance is enforced through §25.093 and Chapter 65, Texas Family Code.⁴

¹ This letter assumes applicability of the Education Code to school districts. Districts of Innovation will need to adjust accordingly.

² For additional information relating to open-enrollment charter schools, see the Charter Administrator Addressed letter regarding Admission, Enrollment, and Withdrawal.

³ All statutory citations are to the Texas Education Code unless otherwise noted. The Texas Education Code and other Texas statutes are available at <http://www.statutes.legis.state.tx.us>.

⁴ See Judicial Enforcement page 4.

Compulsory Attendance Exemptions

Section 25.086 lists the exemptions from compulsory attendance.⁵ Three of the exemptions are addressed below.

Expelled Students

The exemption from compulsory attendance for students who have been expelled applies only in a school district that does not participate in a mandatory juvenile justice alternative education program (JJAEP). With certain exceptions, counties with populations greater than 125,000 are required to have JJAEPs.^{6 7 8} In those counties, expelled students are subject to compulsory attendance. Expelled students must attend the JJAEP, if they are placed there, or another educational program provided by the school district. If an expelled student from a county that does not have a JJAEP moves to a county that has a mandatory JJAEP, the new school district may honor the expulsion under Chapter 37 but must assign the student to either the JJAEP or another educational program provided by the school district for expelled students. An open-enrollment charter school may deny admission to a student expelled from a school district if its charter so provides.⁹

Notwithstanding the above-described exemption from compulsory attendance, a school district has a continuing obligation under federal and state special education law to provide a free appropriate public education to a student with a disability who has been removed for disciplinary reasons from his or her current educational placement, regardless of the population of the county in which the school district is located.¹⁰

17 year-old in Preparation Course for High School Equivalency Examination¹¹

The exemption from compulsory attendance for a child attending a course to prepare for a high school equivalency examination who is at least 17 years of age applies if: 1) the child has the permission of the child's parent or guardian to attend the course; 2) the child is required by court order to attend the course; 3) the child has established a residence separate and apart from the child's parent, guardian, or other person having lawful control; or 4) the child is homeless. (For a discussion of the enrollment in a school district of children with separate residences or who are homeless, see Part III, Admission.)

⁵ The exemptions do not relieve a school district from its responsibility to provide a free appropriate public education to a child with a disability. §25.086(b).

⁶ A county with a population greater than 125,000 is not required to have a JJAEP if its population was 125,000 or less according to the 2000 federal census and the county enters into the memoranda of understanding required under §37.011(a-1).

⁷ Under §37.011(a-2), a county with a population greater than 125,000 is not required to have a JJAEP if the county has a population of 180,000 or less; is adjacent to two counties, each of which has a population of more than 1.7 million; and has seven or more school districts located wholly within the county's boundaries. This exception is currently applicable to Ellis County.

⁸ Under §37.011(a-3), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county has a population of more than 200,000 and less than 220,000; has five or more school districts located wholly within the county's boundaries; and has located in the county a juvenile justice alternative education program that, on May 1, 2011, served fewer than 15 students. The district must provide education services to expelled students as provided by §§37.011(a-4) and (a-5). This exception is currently applicable to Smith County.

⁹ Section 12.111(a)(5)(A).

¹⁰ 34 C.F.R. §300.530(d).

¹¹ As of the date of this letter, there are three providers of high school equivalency testing in Texas. High school equivalency information is available at <http://tea.texas.gov/GED.html>

16 year-old in Preparation Course for High School Equivalency Examination

There is a separate exemption for a child attending a course to prepare for a high school equivalency examination who is at least 16 years old. This exemption applies if the child is enrolled in a Job Corps training program or the child is recommended to take the course by a public agency that has supervision or custody of the child under a court order. Under §65.103, Texas Family Code, a truancy court¹² that finds that a child who is at least 16 years of age has engaged in truant conduct¹³ may order the child to take a high school equivalency examination and to attend a preparatory course. These are the only conditions under which 16 year-olds are exempt from compulsory attendance due to attending a course to prepare for a high school equivalency examination. In addition, certain 16 year-olds may attend a high school equivalency program operated by a school district or open-enrollment charter school under §29.087.

Compulsory Attendance Enforcement; Persons under Age 19

Designation of School Attendance Officer

Under §25.088, the governing body of a school district or of an open-enrollment charter school may select an attendance officer to enforce the attendance of students. Under §25.090, if an independent school district does not select an attendance officer, the superintendent and local peace officers of the county and district must perform the duties of an attendance officer. If an open-enrollment charter school does not select an attendance officer, county peace officers must perform the duties of an attendance officer with respect to students in the open-enrollment charter school.

Duties of School Attendance Officer

Section 25.091 lists the duties of a school attendance officer. The section lists separately the duties of attendance officers who are peace officers and the duties of those who are not peace officers. Please note that the statute authorizes an attendance officer to refer a student to truancy court only for "unexcused absences." Excused absences are not included in the number of absences required for a referral or complaint.¹⁴ In addition to enrolled students with unexcused absences, a school attendance officer's duties extend to persons within compulsory attendance age who are not exempt from compulsory attendance and are not enrolled in school.

Section 25.091(b-1) authorizes a peace officer who has probable cause to believe that a child is in violation of the compulsory school attendance law under §25.085 to take the child into custody for the purpose of returning the child to the child's school campus.¹⁵

An attendance officer is required to apply truancy prevention measures adopted by the district under §25.0915 and may make a referral to truancy court under §25.091 only if the truancy prevention measures fail to meaningfully address the student's conduct. Each referral must specify

¹² A list of courts designated as truancy courts is found in §65.004, Texas Family Code.

¹³ For the elements of "truant conduct," see §65.003, Texas Family Code.

¹⁴ This issue is addressed further in an Administrator Addressed letter dated November 13, 2001. The letter can be found at <http://ritter.tea.state.tx.us/tan/legal/011113.html>. The analysis in the letter applied to enforcement provisions in §25.094 and in §51.03, Texas Family Code, prior to the effect of H.B. 2398, applies to §65.003, Texas Family Code, as enacted in H.B. 2398, (Acts of the 84th Legislature, Regular Session, 2015).

¹⁵ Additional statutes regarding delivery of a child to school by a law enforcement officer or a person authorized to take a child into custody include §§52.01(c), 52.02(a)(7), and 52.026(a), Texas Family Code.

whether the student is eligible for or receives special education services and must be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures and the measures failed to meaningfully address the student's school attendance.

Truancy Prevention Measures¹⁶

A school district is required to adopt truancy prevention measures under §25.0915.¹⁷ If a student has three or more unexcused absences for three or more days or parts of days within a four-week period but less than 10 or more days or parts of days within a six-month period, the district shall initiate truancy prevention measures. If the school determines that the student's absences are the result of pregnancy, being in the state foster program, homelessness, or being the principal income earner for the student's family, the district shall offer additional counseling to the student and may not refer the student to a truancy court. A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district.

Section 25.095 requires school districts and open-enrollment charter schools to notify parents of attendance requirements at the beginning of the school year. An additional notice is required after a student has a certain number of unexcused absences. **Tardies are generally not considered absences** for purposes of compulsory attendance enforcement.¹⁸

Judicial Enforcement

Section 25.0951(a) and (b) provide two options for compulsory attendance enforcement.

The judicial process for truant conduct is governed by Chapter 65, Texas Family Code. Under §65.003, Texas Family Code, truant conduct is conduct committed by a student who is 12 years of age or older and younger than 19 years of age.¹⁹ A district may refer a student alleged to have engaged in truant conduct to a court designated as a truancy court under §65.004, Texas Family Code. A truancy court is required to dismiss a petition filed by a truant conduct prosecutor if the court determines that the district's referral does not meet certain conditions, including an accompanying statement regarding the district's application of truancy prevention measures and a statement regarding whether the student is eligible for special education services.²⁰

Under §25.0951(a), a referral for 10 or more unexcused absences within six months must be made within 10 school days from the date of the student's 10th absence. If a referral on which a petition for truant conduct is based is untimely, the court shall dismiss the petition unless the district has

¹⁶ In addition to the truancy prevention measures required in every district under §25.0915, certain counties are required under §25.0916, as amended by H.B. 2398, *supra*, to have a uniform truancy policy that establishes certain uniform policies and procedures for truancy cases in the county.

¹⁷ For requirements related to a district's truancy prevention measures see §25.0915(a-1) as added by H.B. 2398 (2015), *supra*, and Title 19 of the Texas Administrative Code, Section 129.1043. The Texas Administrative Code (T.A.C.) is available at <http://ritter.tea.state.tx.us/rules/tac/index.html>.

¹⁸ See letter referenced in footnote 15 and Op. Tex. Att'y Gen. No. DM-200 (1993). <http://www.oag.state.tx.us/opinions/opinions/48morales/op/1993/pdf/dm0200.pdf>

¹⁹ Section 65.002(a)(1) and 65.003, Texas Family Code.

²⁰ Section 25.0915(c).

delayed the referral because the district determines that truancy prevention measures are succeeding and the delay is in the student's best interest.²¹

Section 25.093 is an offense for contributing to nonattendance, which is committed by a parent.²² A district may file an action under that section in any justice precinct in the county in which the school is located or in which the person filed against resides.²³ Alternatively, an action may be filed in municipal court or, in a county with a population of 1.75 million or more, in a constitutional county court. Section 25.093 provides for the deposit of one-half of a fine collected under that section to the credit of the open-enrollment charter, JJAEP, or school district that the child attends.

It is an affirmative defense for both the parent and the student that an absence has been excused by a school official or the court.²⁴ For the student, there is also an affirmative defense for absences that are involuntary.²⁵ The affirmative defenses apply only if there are an insufficient number of absences remaining to constitute the offense or the truant conduct.

Attendance Enforcement: Persons Age 19 or Older

Under §25.085(e), a person who voluntarily enrolls in or attends school after the person's 19th birthday is required to attend each school day for the entire period the program of instruction for which the student is enrolled is offered. This requirement is not enforceable through §25.093 or Chapter 65, Texas Family Code. However, if the person has more than five unexcused absences in a semester, the school district may revoke the person's enrollment for the remainder of the school year subject to certain conditions.

After the third unexcused absence, the district must issue the person a warning letter stating that the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.²⁶ The revocation may not occur on a day that the person is physically present at school.²⁷ The authority to revoke enrollment does not override the district's responsibility to provide a free appropriate public education to a person who is eligible for special education services. Also, please note that a person whose enrollment is revoked under this provision is considered a dropout for accountability purposes. As an alternative to revocation, a school district may impose a behavior improvement plan under §25.0915(a-1)(1).²⁸

Section 25.085(f) authorizes the board of trustees of a school district to adopt a policy requiring a person described by Subsection (e) who is under the age of 21 to attend school until the end of the school year. However, §65.003(a), Texas Family Code, does not apply to a person subject to the policy.²⁹

²¹ Sections 25.0915(e)(3) and 25.0915(d).

²² For purposes of §25.093, "parent" is defined to include "a person standing in parental relation."

²³ Op. Tex. Att'y Gen. No. GA-0701 (2009). <http://www.oag.state.tx.us/opinions/opinions/50abbott/op/2009/pdf/ga0701.pdf>

²⁴ Sections 25.093(h), and §65.003(e), Texas Family Code.

²⁵ Section 65.003(c), Texas Family Code.

²⁶ Section 25.085(g).

²⁷ Section 25.085(e).

²⁸ Section 25.085(l).

²⁹ Section 25.085(f).

Excused Absences

Section 25.087 relates to excused absences. Subsection (a) provides that a person required to attend school under §25.085 “may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled.” As discussed under “Duties of School Attendance Officer”, excused absences are not counted when determining the number of absences that trigger a referral or complaint for failure to comply with the compulsory attendance requirement.³⁰

Under §25.087(b)(1), a school district is required to excuse a student’s absence for observance of a religious holy day, for attending a required court appearance, to appear at a governmental office to complete paperwork required in connection with the student’s application for United States citizenship, to take part in a United States naturalization oath ceremony, for service as an election clerk, or for an activity that is either required by a service plan under Subchapter B, Chapter 263, Texas Family Code, or ordered by a court under Chapter 262 or 263, Texas Family Code, if the child is in the conservatorship of the Department of Family and Protective Services (DFPS). The absence for the child in the conservatorship of DFPS for a court-ordered activity must be excused if it is not practicable to schedule the activity outside of school hours. The period of an excused absence under §25.087(b)(1) includes travel time.³¹

Under §25.087(b)(2), a school district must excuse a temporary absence for the purpose of an appointment with a health care professional for the student or the student’s child if the student comes to school the day of the appointment, either before or after the appointment. According to §25.087(b-3), an absence subject to this provision includes the temporary absence of a student diagnosed with autism spectrum disorder for an appointment with a health care practitioner³² to receive a generally recognized service³³ for persons with autism spectrum disorder.³⁴

Under §25.087(b-1), a school district may adopt a policy excusing a student’s absence for service as a student early voting clerk. Section 25.087(e) limits the total number of absences excused to serve as a student early voting clerk or as an election clerk under §25.087(b)(1) to two days in a school year.

Under §25.087(b-2), a district may excuse the absence of a student who is a junior or senior for up to two days per year for the purpose of visiting an accredited institution of higher education if the district adopts a policy to determine when an absence will be excused for that purpose and a procedure to verify the visit.

³⁰ As discussed in Part II of this letter, excused absences are counted in determining whether a student is in compliance with the attendance requirements for class credit, but local policies under §25.092 regarding the award of class credit may take into account whether an absence is excused. See *Also* Texas Attorney General Opinion No. JC-0398 (2001).

³¹ For student attendance accounting for state funding, the number of excused days for travel under §25.087(b)(1) is limited to not more than one day to and one day from the site of the applicable event. 19 T.A.C. §129.21(j)(3).

³² See §1355.015(b), Texas Insurance Code, for a description of “health care practitioner.”

³³ Under §25.087(b-3), “generally recognized service” includes applied behavioral analysis, speech therapy, and occupational therapy.

³⁴ For absences under §25.087(b)(2) and (b-3) of students with disabilities, further information is available in the Texas Education Agency (TEA) guidance document regarding temporary absences at http://tea.texas.gov/www.tea.state.tx.us/SPED_State_Guidance.aspx.

Under §25.087(b-4), a school district must excuse a student to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services³⁵ and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. The absence must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. The total number of absences excused for this purpose may not exceed five days in a school year.³⁶

Under new §25.087(b-5),³⁷ a school district must excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school. The district must verify the student's activities related to pursuing enlistment in a branch of the armed services or Texas National Guard. The district must adopt procedures to verify a student's activities as described by Subsection (b-5).³⁸

Under §25.087(c), a school district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran.

A student whose absence is excused under Subsections (b)-(c) described above may not be penalized for the absence. Also, the district must allow the student a reasonable time to make up missed school work. If an absence is excused under §25.087(b)-(c) and the student successfully completes the missed school work, the student is included in average daily attendance for that day. A student may not be included in average daily attendance for an absence that is excused for a reason that is not included under §25.087 (b)-(c) except as provided by 19 T.A.C. §129.21(j) or (k).

II. Attendance for Course Credit

Section 25.092³⁹ contains the provision of law commonly referred to as "the 90 percent rule," which applies to a student in any grade level from kindergarten through grade 12. **Section 25.092 does not apply directly to open-enrollment charter schools.** However, some open-enrollment charter schools have included "the 90 percent rule" in their charters.

Section 25.092 conditions credit or a final grade for a class on a student's attendance for at least 90 percent of the days a class is offered. 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 principal that provides for the student to meet the instructional requirements of the class. If the student is under the jurisdiction of a court in a criminal or juvenile

³⁵ Under Chapter 162, The Interstate Compact on Educational Opportunity for Military Children, "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

³⁶ See also Chapter 162,

³⁷ S.B.1152, Acts of the 85th Legislature, Regular Session, 2017. All bills cited in this letter are available at <http://www.capitol.state.tx.us/>. The bills cited are currently in effect unless otherwise noted.

³⁸ New §25.087(b-6), S.B. 1152, *Id.*

³⁹ Under §25.092(a-2), §25.092(a) does not apply to a student who receives credit by examination for a class under §28.023.

justice proceeding, the student may not receive credit or a final grade by completing such a plan without the consent of the presiding judge. The board of trustees is required to appoint one or more attendance committees to hear petitions from students who do not earn class credit or a final grade through a plan approved by the principal. An attendance committee may give class credit or a final grade due to extenuating circumstances. The board is also required to adopt policies establishing alternative ways for such students to make up work or regain credit or a final grade lost because of absences.

Under §25.092, a district may establish ways to make up work or regain credit or a final grade that are workable in consideration of the circumstances. The section does not require that students spend a certain amount of time in a "Saturday school" or other educational setting equal to time missed during regular school hours. The district should be prepared with other options that give the student 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. Additionally, this law is not intended to penalize students for not attending a class before the student was enrolled in the class.⁴⁰ Students, including migrant students or transfer students, who could not have attended a class before enrollment 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 §28.021 and 19 T.A.C. §74.26.

If a district offers an educational program outside of regular school hours as a means for students to make up work and meet the level of attendance required under §25.092, a district may charge a fee for such an education program under §11.158(a)(15) and (h) with restrictions. The school district may assess the fee only if the student returns a form signed by the student's parent or other legal guardian stating that the fee would not create a financial hardship or discourage the student from attending the program. The fee may not exceed \$50. Also, under §25.092(b) and (f), the board must provide at least one alternative for making up work or regaining credit or a final grade that does not require a student to pay a fee under §11.158(a)(15). The availability of that alternative must be substantially the same as the availability of an educational program for which a fee is charged.

III. Entitlement to Admission

Section 25.001 applies to an **open-enrollment charter school** for the purposes of determining whether the student meets the residency requirements for the open-enrollment charter school's designated geographical boundary. Also, the eligibility standards for prekindergarten programs, summarized in this part, apply to an **open-enrollment charter school**. For more information regarding **open-enrollment charter school** admissions, please see the separate To the Charter Administrator Addressed letter relating to admission, enrollment and withdrawal.

⁴⁰ Lee v. Tarkington I.S.D., 167-R5-293 (Comm'r Educ. 1993).

MPISD ATTENDANCE TIME FOR CAMPUSES

2023 - 2024

CDC

Regular Full Day – 7:55 – 3:40

Regular Posted Day - 7:55 – 3:35

Attendance time: 10:00 am

Early Release Attendance Time: 9:30 am

Late Start Attendance Time: 9:30 am

Testing/Final Exam Attendance Time: N/A

ELEMENTARY CAMPUSES (Brice, Corprew, Fowler, Sims)

Regular Full Day – 7:40 – 3:20

Regular Posted Day – 7:50 – 3:15

Attendance time: 10:00 am

Early Release Attendance Time: 10:00 am

Late Start Attendance Time: 10:30 am

Testing/Final Exam Attendance Time: 10:00 am

PE WALLACE

Regular Full Day – 7:30 – 3:35

Regular Posted Day – 8:00 – 3:35

Attendance time: 10:35 am

Early Release Attendance Time: 9:00

Late Start Attendance Time: 12:40 pm

Testing/Final Exam Attendance Time: 9:10 am

JUNIOR HIGH

Regular Day – 7:53 – 3:50

Regular Posted Day – 7:58 – 3:50

Attendance time: 9:15 am

Early Release Attendance Time: 8:57 am

Late Start Attendance Time: 10:46 am

Testing/Final Exam Attendance Time: 9:26 am

HIGH SCHOOL

Regular Day – 8:00 – 3:57

Regular Posted Day – 8:05 – 3:57

Attendance time: 10:00 am

Early Release Attendance Time: 9:25 am

Late Start Attendance Time: 11:30 am

Testing Attendance Time: 8:30 am

Final Exam Attendance Time: 10:00 am

Pep Rally Attendance Time: 9:55 am

DAEP

Regular Day – 7:40 – 3:20

Attendance time: 9:10 am

Early Release Attendance Time: 9:10 am

Late Start Attendance Time: 10:20 am

Testing Attendance Time: 9:10 am

Final Exam Attendance Time: 9:10 am