

## Compulsory Attendance

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TEC 25.085 Compulsory Attendance applies to a student who is at least six years old as of September 1 of the applicable year (Refer to CISD Policy FEA). The law requires a student to attend public school until the student's 19th birthday, voluntarily enroll in school, to remain in school for the entire period the program of instruction is offered. Also applies to students below the age for compulsory attendance during any period that the student is voluntarily enrolled in prekindergarten or kindergarten. Note that an allegation of truant conduct applies only to an individual who is 12 years of age or older and younger than 19 years of age. The offense of parent contributing to nonattendance, however, applies to parents of students who are subject to compulsory attendance, regardless of the student's age.

Exemptions in the state compulsory attendance law include:

- Expelled students – only applies if the school district does not participate in a JJAEP.
- 17 year-old in Preparation Course for High School Equivalency Examination-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.
- 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.

State law (TEC 25.091 and 25.095) list the duties of the School Attendance Officer. The duties are noted below (for non-peace officers):

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. 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.

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 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.

According to state law (TEC 25.0951a), the officer must file a complaint or referral for 10 or more unexcused absences within a six (6) month period, within 10 school days from the date of the student's 10th absence.

In an effort to comply with the state law regarding compulsory school attendance, the School Attendance Officer, with the assistance of the Attendance Clerk, shall follow the procedure outlined below:

- Notify parents at the beginning of the school year regarding the attendance requirement (included in the Student Handbook)
- Monitor excessive absences on a weekly basis. According to state law, tardies are generally not considered absences for the purpose of compulsory attendance enforcement.

- Notify the parent of a student with more than 3 unexcused absences with a written letter stating that the student has excessive absences which may result in a referral to the appropriate court after the 10th unexcused absence.
- Take referral appropriate action after a student has reached the 10th unexcused absence in a six (6) month period.