

The Texas Education Agency (TEA) adopts new §129.1049, concerning truancy. The new section is adopted without changes to the proposed text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1166) and will not be republished. The new section reflects the truancy reporting requirements enacted by House Bill (HB) 548, 86th Texas Legislature, 2019.

REASONED JUSTIFICATION: HB 548, 86th Texas Legislature, 2019, added a new reporting requirement in Texas Education Code (TEC), §42.006(a-6). The new requirement specifies that each school district and open-enrollment charter school must report the following information through the Public Education Information Management System (PEIMS): the number of children who are required to attend school under TEC, §25.085, are not exempted under TEC, §25.086, and fail to attend school without excuse for 10 or more days or parts of days within a 6-month period in the same school year; the number of students for whom the district initiates a truancy prevention measure under TEC, §25.0915(a-4); and the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under TEC, §25.093.

Adopted new §129.1049 implements HB 548 by including in rule the truancy data required by statute and specifying that the data must be reported annually through the Texas Student Data System PEIMS.

The adopted new rule also updates the subchapter title to better align with the content within the subchapter.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began February 21, 2020, and was extended to April 17, 2020. Following is a summary of the comments received and corresponding responses.

Comment: A school district administrator commented that filing truancy cases is very paperwork heavy and time consuming on the part of the school principal and secretary and that the punishments given by the court do not result in any lasting change in parent or student behavior.

Agency Response: This comment is outside the scope of the proposed rulemaking.

Comment: A school district administrator commented that the administrator's district is no longer filing truancy cases because of the court's routine practice of not imposing any sanction on the parent/guardian of the student other than an extension of an existing probation or a directive that the school provide additional interventions, and, therefore, the district's reporting on the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under TEC, §25.093, may be significantly less when compared to other districts. The commenter stated that the district is addressing truancy by using its attendance officers to collaborate on prevention measures outlined in statute, including a behavior improvement plan, school-based community service, referral to counseling, mediation, mentoring, teen court program, community-based services, or other in-school or out-of-school services aimed at truancy prevention.

Agency Response: The agency provides the following clarification. TEC, §42.006(a-6), requires that TEA collect each of the three data elements specified in the proposed rule, including the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under TEC, §25.093.

Comment: A parent commented that their family is striving to make progress toward preventing truancy issues.

Agency Response: This comment is outside the scope of the proposed rulemaking.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code, §42.006(a-6), as added by HB 548, 86th Texas Legislature, 2019, which requires the reporting of certain truancy data elements through the Public Education Information Management System.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §42.006(a-6).

<rule>

**§129.1049. Truancy Reporting Requirements.**

Each school district and open-enrollment charter school shall report truancy data annually through the Texas Student Data System Public Education Information Management System to include:

- (1) the number of children who are required to attend school under TEC, §25.085, are not exempted under TEC, §25.086, and fail to attend school without excuse for 10 or more days or parts of days within a 6-month period in the same school year;
- (2) the number of students for whom the district initiates a truancy prevention measure under TEC, §25.0915(a-4); and
- (3) the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under TEC, §25.093.