

The Texas Education Agency (TEA) proposes an amendment to §129.1025, concerning the student attendance accounting handbook. The proposed amendment would adopt by reference the *2024-2025 Student Attendance Accounting Handbook*. The handbook provides student attendance accounting rules for school districts and charter schools.

BACKGROUND INFORMATION AND JUSTIFICATION: TEA has adopted its student attendance accounting handbook in rule since 2000. Attendance accounting evolves from year to year, so the intention is to annually update §129.1025 to refer to the most recently published student attendance accounting handbook.

Each annual student attendance accounting handbook provides school districts and charter schools with Family Services Plan (FSP) eligibility requirements of all students, prescribes the minimum requirements of all student attendance accounting systems, lists the documentation requirements for attendance audit purposes, and details the responsibilities of all district personnel involved in student attendance accounting. TEA distributes FSP resources under the procedures specified in each current student attendance accounting handbook. The final version of the student attendance accounting handbook is published on the TEA website. A supplement, if necessary, is also published on the TEA website.

The proposed amendment to §129.1025 would adopt by reference the student attendance accounting handbook for the 2024-2025 school year. The proposed handbook is available on the TEA website at <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>.

Significant changes to the *2024-2025 Student Attendance Accounting Handbook* would include the following.

#### *Section 1, Overview*

Texas Education Core (TEC), Chapter 48, specifically §48.008, establishes the requirements for adopting an attendance accounting system and reporting attendance accounting data through Texas Student Data System Public Education Information Management (TSDS PEIMS). The following changes implement reporting requirements for attendance and funding.

Language referring to the footnote would be revised to show TEC, §48.008.

#### *Section 2, Audit requirements*

TEC, Chapter 42, specifically §42.255, establishes the requirements for violation of presenting reports that contain false information. TEC, §42.008, authorizes the commissioner of education to require audit reports to be submitted for review and analysis. TEC, §44.010, allows for the review of budget, fiscal, and audit reports to determine whether all legal requirements have been met. The following changes implement reporting for audit requirements to account for attendance and funding.

Language would be revised to show the current website for the Texas State Library and Archives Commission.

Language would be revised to state that districts must use the coding structure defined in the Texas Education Data Standards (TEDS) as they relate to attendance.

Language would be revised to state that Student Detail Reports must contain instructional track (Calendar Code) attended by the student.

The language in the Student Detail, Campus Summary, and District Summary Reports would be revised to reflect the expiration of virtual instruction.

Language would be revised to state that charter schools (including those authorized under TEC, Chapter 12, Subchapter G) are required to submit six-week District Summary Reports via the FSP payment system.

Language would be revised to state that additional required documentation must include board-approved local policy that defines the instruction methods.

Language would be revised to state that additional required documents must include any and all bell schedules used during the school year.

### *Section 3, General Attendance Requirements*

TEC, §25.081, and Chapter 48, specifically §48.005, establish the general parameters for attendance and school operation. The following changes would implement reporting requirements for attendance and funding.

Language would be revised to state that Code 0 will be used for a student receiving special education services who has graduated but returned or continues enrollment with less than two hours of daily instruction, as well as for students who receive special education and related services through an approved contract with a nonpublic day or nonpublic residential school.

Language would be revised to exclude children served in an early childhood special education (ECSE) program from average daily attendance (ADA) Code 0 who have visual impairments, who are deaf or hard of hearing, or both.

Language would be revised to include students who are 26 years old on September 1 of the current year and are not enrolled in a TEC, Chapter 12, Subchapter G, Adult High School Charter School Program.

Language would be revised to state that Code 9 applies to a student who is enrolled in a virtual learning program but not in membership.

Language referencing the funding table would be revised to show changes.

Language would be revised to state that, for funding purposes, the number of days of participation for any student in any special program cannot exceed the number of days present for the same reporting period for the same instructional track.

Language would be expanded to include students who are continuing enrollment to receive special education services or students who have returned to school to receive special education services after receiving a diploma as students who are eligible to continue to generate ADA for funding purposes.

Language would be revised to state that a student may also be entitled to receive special education services through age 21 if the student has a disability and the district determines the student would have met the Texas criteria to continue the receipt of special education services after having been awarded a diploma.

Language in the Age Eligibility table would be revised to align with changes made in the proposed handbook.

Language would be revised to state that students aged 22 to 25 who previously received special education services and are enrolled to complete high school requirements are not eligible for special education weighted state funding but qualify for other weighted state funding.

The footnotes related to maximum age eligibility and enrollment procedures have been revised to show 19 TAC §89.1070(f) and TEC, §26.0125.

Language would be revised to state that a district may accept documentation of an updated address, telephone number, and email address electronically for a student who is continuing enrollment in the district from the prior school year.

The footnotes containing the link and Frequently Asked Questions (FAQ) for residency requirements would be updated.

The name of the Compliance and Inquiries Division would be updated.

Language would be revised to state that students who begin school as homebound, including Compensatory Education Home Instruction (CEHI), may indicate their official entry date as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

Language referencing student entitlement to attend school in a particular district would be deleted.

Language stating that districts must accept the transfer application of students whose parent or guardian is an active military servicemember or peace officer and requests a transfer to another campus in the currently enrolled district or to another adjoining school district would be moved from the incorrect section and added to the correct sections.

Language would be revised to change the term "homeless" to "students who experience homelessness."

Language would be revised to state that a student who experiences homelessness or a student who is in foster care should be admitted temporarily for 30 days if acceptable evidence of vaccination is not available.

Language would be revised to list the requirements to enroll an infant or toddler in the district or the Regional Day School Program for the Deaf (RDSPD) that will be providing the appropriate services as described in the Individualized Family Services Plan (IFSP).

Language would be revised to state that once withdrawn, students in Grades 7-12 must be reported as school leavers and cannot be considered dropouts according to the C162 Exit Withdraw Type table in TEDS.

Language concerning student record and record transfer would be revised to include an original copy of the home language survey (HLS), Language Proficiency Assessment Committee (LPAC) documentation, and either parental permission/denial forms for bilingual education programs or English as a second language (ESL) program services, if applicable.

Language would be revised to include an alternative attendance-taking time for students receiving special education services through an 18 plus program that provides community-based instruction.

Language would be revised to state that if a school district provides instructional services for special education after school or on Saturday, the contact hours may be counted for job coaching for a student in a work-based learning opportunity that is available only in the evening.

Language would be revised in an example referring to attendance and students who are not in membership or are served outside the home district.

Language referring to effective dates for program changes would be deleted.

Language would be revised to state that the district providing instruction must establish a written agreement with the nonresidential treatment facility. Students receiving special education services in this situation may still be eligible for those services during their time at a nonresidential treatment facility.

Language would be revised to state that a student who has an infant (0-6 months) considered medically fragile and who meets the criteria for General Education Homebound (GEH) program may also be considered for the GEH program.

Language referring to provision of additional remote instruction in the GEH program would be removed.

Language in the footnote would be revised to show the current link to the Texas Medical Board.

References to supplementing in-person homebound instruction with virtual instruction would be deleted.

Language would be revised to state that students who begin school on GEH may indicate their official entry date as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

Language would be revised in the table showing required number of operational and instructional minutes to include Subchapter G, Adult High School Charter School Program. The footnote would be revised to show TEC, §12.251.

Language would be revised to state that all the students in a particular school or track will have the same number of school days (Number Days Taught).

Language would be revised to update waivers listed in subsection 3.8, Calendar.

Language would be revised to state that days with low attendance that do not qualify for a waiver must still be reported as instructional days.

Language would be revised to state that, effective with the 2025-2026 school year, school districts and open-enrollment charter schools with four-day school weeks are not eligible to receive staff development waivers.

Language would be revised to state that the staff development waiver only covers real-time staff development involving all district staff at once, replacing student instruction. Exchange or trade days or individual professional development outside regular hours cannot count toward waiver requirements for staff development minutes.

Language would be revised to state that if TEA grants a district a waiver for a missed school day or a low-attendance day, the district must treat the day as a non-school day in the district's student attendance accounting system and report the day with a Calendar Waiver Event Type (E1570).

Language would be revised to state that a waiver for a dual credit course must be submitted using the Other Waiver application in TEA's automated waiver application system.

Language referencing a school safety training waiver would be added.

Language referencing footnote TEC, §25.0815, would be added.

Language would be revised to specify the date for initial TSDS PEIMS summer submission and the dates for resubmission.

Language would be revised to reflect changes in examples listed in Section 3.

Language would be added to state example for using the life-threatening illness provision to claim funding.

Language would be revised to show the change in numbering order of examples.

#### *Section 4, Special Education*

TEC, Chapter 48, specifically §48.102, authorizes funding for special education in certain circumstances. TEC, §48.004, authorizes the commissioner to require reports that may be necessary to implement and administer the FSP. The following changes would implement reporting for special education to account for attendance and funding.

Language would be added to state that special education staff, not attendance staff, must provide coding information. Special education directors ensure accuracy of data and communicate to attendance personnel. Special education staff must check the Student Detail Report at the end of each six-week period.

Language would be revised to state that eligibility for special education and related services is determined for children aged birth to two years who have a visual impairment (VI), who are deaf or hard of Hearing (DHH), or who are both.

Language would be revised to state that a student is coded as 00 in the TSDS PEIMS Student Special Education Program Association Entity when receiving only speech therapy, regardless of the delivery model, or when receiving speech therapy along with other related services but no instructional special education services.

Language would be revised to describe situations when a student will not have an instructional setting code of 00.

Language would be revised to state that for code 1, home instruction may be used for infants or toddlers (birth to two years of age) with VI or DHH as determined by the IFSP committee, and for students aged three to five as decided by the admission, review, and dismissal (ARD) committee.

Language would be revised to state that in making eligibility and placement decisions for students six years of age and older, the ARD committee must consider information from a licensed physician.

Language would be revised to state that infants and toddlers (children from birth through two years of age) who are DHH, VI, or both may receive home instruction as determined by the IFSP team and be reported as homebound.

Language would be revised to state that students who begin school as homebound, including CEHI, may indicate their official entry date as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

Language would be revised to state that code 02 is used for students receiving special education in a hospital or residential care facility by district personnel. If a student in such a facility receives services on a campus outside their parent's district, they are coded with a residential care and treatment code. If the parent resides in the facility's district, the student is reported based on the arrangement at the campus. A student who is receiving special education services by school district personnel at the facility but is not residing in the facility is in an off-home campus instructional setting.

Language would be revised to state that code 08 is used for students in job training aligned with their postsecondary employment goals with direct special education involvement in an individualized education program (IEP) implementation. It covers services in Career Technical Education (CTE) classes or specified work-based learning. Eligibility requires the student's employment in a job with special education personnel directly involved, excluding mere employer consultation.

Language would be revised to state that a student must meet special education eligibility requirements to be reported as a student in special education.

Language would be revised to state that codes 41 or 42 are used for students receiving related services in a special education setting, except if they receive only speech therapy alongside other related services. If a student gets special education instruction and speech therapy, the resource room code is used and Special Education Program Service 25 is reported.

Language would be revised to state that code 60 is used for students who are served in off-campus programs as these are defined in 19 TAC §89.1094.

Language would be revised to include Student School Association Entity in code 71.

Language would be revised to state that codes 81-89 are used for students in residential care facilities who receive special education services on a local district campus where the facility is located, but their parents do not reside in that district. Students under Department of Family and Protective Services conservatorship in relative or kinship care or foster homes will not use this code, except those in cottage homes or congregate care meeting the criteria.

Language would be revised to state that Code 87 indicates that a student resides in a facility and receives special education and related services by school district personnel in a facility (other than the one in which the student resides and other than a nonpublic day school) not operated by a school district.

Language would be revised to state that codes 91-98 will be used when a student receives special education and related services at South Texas Independent School District or Windham School District. This includes partial hospitalization programs or other outpatient facilities at which school district personnel are providing instruction. The student is in a non-district community setting, aiding their transition to postsecondary education, integrated employment, or independent living, with instruction or involvement from district personnel aligning with their individual transition goals.

Language would be revised to state that code 96 also applies to students who are receiving services, after having met graduation requirements and determined eligible by the student's ARD committee, on property that is owned or operated by a school district.

Language would be revised to state that Student Detail Reports and the TSDS PEIMS Student Special Education Program Association Entity must contain speech therapy reporting information (Descriptor Table Special Education Program Service (C341)) for any student receiving special education services.

Language would be revised to state the specific usage of Special Education Program Service 24.

Language would be revised to state that for Special Education Program Service 25, the student's TSDS PEIMS Special Education Program Reporting Period Attendance Entity must display both the student's primary instructional setting code (other than 00) and code 00. However, if the student is in a mainstream setting and receives speech therapy, only code 00 should be reported.

Language would be revised to state the specific usage of Special Education Program Service 23.

Language would be revised to state that, starting from the 2025-2026 school year, TEA will gradually remove references to programs for children with disabilities (PPCD) in its publications to emphasize that children eligible for these services must be served in the least restrictive environment outlined in their IEP.

Language referencing ECSE services and Kindergarten programs would be deleted. A revision would be made to state that the PPCD indicator should be changed when a student turns six.

Language referencing ECSE services and Head Start would be deleted along with the footnotes.

Language referencing shared service agreements would be revised to state that students must be reported on the Student School Association Entity as a transfer student (attribution 06 - Transfer Student).

Language would be revised to include changes for students who receive instructional services through the RDSPD.

Language would be revised to reflect changes in the coding chart table detailing services for students with disabilities.

Language would be revised to state that district must report Extended School Year services data to TEA using Extended School Year Services Attendance Entity according to the TEDS.

Language would be revised to reflect changes in the examples for Vocational Adjustment Class specifically for the local credit course and the CTE classes.

Language would be revised in mainstream examples to indicate changes in reporting of instructional codes using Special Education Program Service.

Language referencing examples for resource room codes 41 and 42 would be revised.

Language would be revised to reflect changes in the Self-Contained, Regular Campus examples, specifically for the reporting of the instructional setting code.

Language would be revised to reflect changes in the Off Home Campus examples, specifically for the reporting of the instructional setting code.

Language would be revised to reflect changes in the Speech Therapy only and Speech Therapy with Other Services examples, specifically for the reporting of instructional setting code.

#### *Section 5, Career and Technical Education (CTE)*

TEC, Chapter 48, including §48.106, authorizes funding for CTE in certain circumstances. TEC, Chapter 29, Subchapter F, establishes general parameters for CTE programs. TEC, §48.004, authorizes the commissioner to require reports as may be necessary to implement and administer the FSP. The following changes would implement reporting for CTE to account for attendance and funding.

Language would be revised to reflect the current link for state-approved CTE courses.

Language referencing enrollment procedures would be revised to state that the ARD committee will create the student's transition plan, aligning courses of study with their postsecondary goals and updating the personal graduation plan as needed for students receiving special education services.

Language would be revised to state that after five consecutive days without CTE services being provided, local education agency (LEA) personnel must remove the student from the TSDS PEIMS CTE Program Reporting Period Attendance Entity's eligible days present effective the first day of placement in the disciplinary setting.

Language would be revised to state that LEAs can claim a maximum of three contact hours (V3) for a single course. To qualify for CTE weighted funding, course periods must average a minimum of 45 minutes per day throughout the calendar year including pep rallies, assemblies, modified bell schedules etc., but excluding days covered under Attendance Accounting during Testing Days, Staff Professional Development Waivers, and Closures for Bad Weather or Other Health and Safety Issues.

Language would be revised to show updated CTE Weighted Funding Tiers as calculated by TEA.

Language would be revised to state that student instruction during one class period per week is required to be a minimum of 45 minutes in length in a practicum instructional arrangement.

Language would be revised to state that adaptations such as accommodations or modifications must be implemented as specified by a student's IEP, as applicable, for project-based capstone courses.

Language would be revised to state that to receive CTE weighted funding, class periods are required to be a minimum of 45 minutes in length and an average of 45 minutes during the calendar year.

Language throughout the examples in section 5 would be revised to show the change from course Service ID to CTE Service ID.

#### *Section 6, Bilingual/English as a Second Language (ESL)*

TEC, Chapter 48, specifically §48.105, authorizes funding for bilingual or special language programs in certain circumstances. TEC, Chapter 29, Subchapter B, establishes general parameters for bilingual and special language programs. TEC, §48.004, authorizes the commissioner to require reports as may be necessary to implement and administer the FSP. The following changes would implement reporting for bilingual and special language programs to account for attendance and funding.

Language would be revised to state that reclassification is when the LPAC decides an emergent bilingual (EB) student meets criteria to be English proficient (EP), entering year one of monitoring. Exit occurs when the student is no longer classified as EB, ending bilingual or ESL program participation per LPAC recommendation and parental approval.

Language would be revised to state that LEAs are required to clarify in a timely manner which of the two non-English languages is used most of the time, if multiple languages are indicated in the HLS.

Language would be revised in the footnote to show the current link for appropriate bilingual program type codes.

Language would be revised to state that for students transferring within Texas, if the sending district cannot provide the original HLS, the receiving district documents that the original HLS was not included in the student's cumulative folder and documents the attempts and/or reason why the HLS was not obtained.

Language would be revised to state that after five consecutive days without participation in the bilingual or ESL education program, district personnel should remove the student's days from the TSDS PEIMS Bilingual ESL Program Reporting Period Attendance Entity.

Language would be revised to provide the current link for current reclassification requirements.

Language would be revised to update the list of required documents.

Language would be revised to provide the current link for additional resources for program implementation.

### *Section 7, Prekindergarten (Pre-K)*

TEC, Chapter 29, Subchapter E, establishes special general parameters for prekindergarten (pre-K) programs. TEC, Chapter 48, including §48.005, establishes ADA requirements and authorizes funding for certain circumstances. TEC, §48.004, authorizes the commissioner to require reports that may be necessary to implement and administer the FSP. The following changes would implement reporting for prekindergarten to account for attendance and funding.

Language would be revised to state that, regardless of whether a district runs a three-year-old pre-K program, students three years of age who are eligible for special education and related services may be placed in a pre-K class by the ARD committee.

Language would be revised to show a change in terminology from an English learner to emergent bilingual.

Language would be revised to include documentation regarding what languages were used in the home setting if the student had a previous home setting.

Language related to pre-K eligibility based on homelessness would be deleted.

### *Section 9, Pregnancy-Related Services (PRS)*

TEC, Chapter 48, including §48.104, authorizes funding for students who are pregnant under certain circumstances. TEC, §48.004, authorizes the commissioner to adopt reports that may be necessary to implement and administer the FSP. The following changes would implement reporting for pregnancy-related services (PRS) to account for attendance and funding.

Language would be revised to state that students who do not come to school and who do not receive CEHI or general education or special education homebound services must be counted absent in accordance with the charts provided in this section.

Language would be revised to state the different entities that PRS student needs to identify within the TSDS PEIMS.

Language would be revised to include the current link for Texas Medical Board.

Language would be revised to state that for a baby recovery period, a note from a medical practitioner stating the infant's need for hospital confinement is required.



Language would be revised to state that a student who commences school on homebound (including CEHI) may indicate their official entry date as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

Language would be revised to state that a pregnant student's ARD committee and PRS program staff members must collaboratively address the student's service needs.

Language would be revised to state that the period of homebound postpartum services for a student receiving special education services may exceed 10 weeks if determined necessary by the ARD committee.

Language would be revised to state that a CEHI teacher may maintain additional documentation as to when a student physically returns to campus to resume their regular schedule. This may or may not be the date the student was scheduled to return.

Language would be revised to show the accurate CTE Program Association Entity.

Language would be revised in the example to state that if all of the required documentation is obtained and the student is provided the full amount of CEHI hours by the end of the first week, the district may claim her entry date.

#### *Section 10, Alternative Education Programs (AEPS) and Disciplinary Removals*

TEC, Chapter 48, specifically §48.270, establishes the requirements for violation of presenting reports that contain false information. TEC, §48.004, authorizes the commissioner to adopt reports that may be necessary to implement and administer the FSP. TEC, §44.010, allows for the review of budget, fiscal, and audit reports to determine whether all legal requirements have been met. The following changes would implement reporting for audit requirements to account for attendance and funding.

Language would be revised to state that the leaver code reported on the TSDS PEIMS Student School Association Entity is 98.

Language would be revised to state that neither the TEC nor the TAC outline teacher requirements for the disciplinary alternative setting of an in-school suspension program.

Language would be revised to state that a district should contact TEA to establish a separate campus for the district's Juvenile Justice Alternative Education Program (JJAEP) students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.

Language would be revised to state that while in a Disciplinary Alternative Education Program (DAEP) or JJAEP, a student served by special education must receive all current IEP-designated services.

Language would be revised to state that a student is not eligible for ADA if the student has been assigned out-of-school suspension for the first day of school. A student cannot be absent on the first day of school.

#### *Section 11, Nontraditional Programs*

TEC, Chapter 29, Subchapter A, establishes special general parameters for nontraditional programs. TEC, Chapter 48, including §48.005, establishes ADA requirements and authorizes funding for certain circumstances. TEC, §48.004, authorizes the commissioner to require reports that may be necessary to implement and administer the FSP. The following changes would implement reporting for nontraditional programs to account for attendance and funding.

Language would be revised to reflect changes made to the College Credits Program table. Language would be revised to state the requirements for a dual credit or dual enrollment course.

Language would be revised to state that dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course

meets the requirements of 19 TAC Chapter 4, Subchapter D. Dual credit and dual enrollment are synonymous. An institution is not required to offer dual credit courses for high school students.

Language would be revised to state student eligibility requirements specific to dual credit courses.

Language referencing the table for minimum passing standards to demonstrate dual credit eligibility would be deleted.

Language would be revised to state that a student enrolled in a TEA-designated Early College High School or Pathways in Technology Early College High School (P-TECH) program may enroll in dual credit courses if the student demonstrates college readiness in alignment 19 TAC §§4.51-4.63 and 4.81-4.86.

Language would be revised to state that Additional Days School Year (ADSY) provides half-day formula funding for school systems that add instructional days to any of their pre-K through Grade 5 campuses. (TEC, §48.0051)

Language would be revised to state that should an LEA utilizing ADSY funding file for and receive a low attendance waiver, the granting of a low attendance waiver does not reduce the 180 days of instruction for ADSY purposes. An ADSY waiver is not required to be filed for the same date as an approved low-attendance-day waiver.

Language would be revised to state that special education services for students who have completed credit and assessment requirements for graduation and have been determined eligible by their ARD committee to continue enrollment as specified in 19 TAC §89.1070(h) or (i) do not meet the statutory eligibility for Optional Flexible School Day Program (OFSDP). The district should follow the schedule of services in the IEP and claim the applicable ADA funding.

Language would be revised to state that changing the record type during a reporting period is allowed in specific cases, like when a student starts OFSDP, when a student transitions in or out of DAEP, or when an OFSDP student begins receiving PRS CEHI services mid-reporting period.

Language referencing funding eligibility for students 21 through 25 years of age would be deleted.

Language would be revised to state that all attendance must be reported through the OFSDP Flexible Regular Program Reporting Period Attendance Entity.

Language would be revised to state that high school equivalency program attendance is reported using the Flexible Regular Program Reporting Period Attendance Entity.

### *Section 12, Virtual, Remote, and Electronic Instruction*

TEC, Chapter 30A, establishes the general parameters for the Texas Virtual School Network (TXVSN). TEC, §30A.153, authorizes funding for the TXVSN for the FSP under certain circumstances. TEC, §48.004, authorizes the commissioner to adopt reports that may be necessary to implement and administer the FSP. The following changes would implement reporting for the TXVSN to account for attendance and funding.

Language would be revised to provide the current link for a list of TXVSN online schools officially recognized by the agency.

Language would be deleted for Remote Instruction That is Not Delivered through the TXVSN.

Language would be revised to state that a student who has an infant (0-6 months) considered medically fragile and who meets the criteria for Remote Conferencing-Regular Students may also be considered for the GEH program. If a waiver is granted, the affected student will generate attendance according to the two-through-four-hour rule and based on if the student is virtually present at the official attendance-taking time.

Language would be revised to state that the district can submit a request for a general waiver using TEA's automated waiver application system, which is available in TEA Login (TEAL) and cite the requirements in the general waiver section.

Language would be deleted from Remote Conferencing-Students Receiving Special Education and Related Services.

Language would be revised to state if a waiver is approved, attendance will be tracked based on the two-through-four-hour rule. If a student is scheduled to be on campus, their attendance will be recorded if they are physically present. If they are scheduled to be off campus, they will be marked as present if they attend virtually at the official attendance time.

Language referencing the entire section on Virtual Instruction (Local Remote Learning Programs) under TEC, §29.9091, or as modified by TEC, §48.007(c)), would be deleted.

### *Section 13, Appendix: Average Daily Attendance (ADA) and Funding*

Language would be revised to state that days in attendance are the total number of days that a student was in attendance (present at the designated attendance-taking time or absent for a purpose described by 19 TAC §129.1025) during a specific period (for example, a 180-day school year) while that student was eligible to generate funding (in membership).

Language would be revised to provide the current link for the CTE Program Reporting Period Attendance Entity.

Language would be revised to provide the current link for the course level provided in the CTE Lookup - Table.

Language would be revised to provide the current link for further guidance on the Bilingual Education Allotment.

### *Glossary*

Language would be revised to update the definition of at-risk.

Language would be revised to update the definition of bilingual/ESL eligible days.

Language referencing EP would be deleted.

Language would be revised to update the definition of in-school suspension, prekindergarten (pre-K), and reclassification.

**FISCAL IMPACT:** Amy Copeland, associate commissioner for finance and chief school finance officer, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand and limit an existing regulation. The proposed changes to the *2024-2025 Student Attendance Accounting Handbook* would amend requirements and provide clarity regarding student attendance accounting procedures. In some instances, the proposed changes would add information, and in some instances, information would be removed.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Copeland has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to continue to inform the public of the existence of annual publications specifying attendance accounting procedures for school districts and charter schools. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins June 21, 2024, and ends July 22, 2024. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on June 21, 2024. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §7.055(b)(35), which states that the commissioner shall perform duties in connection with the Foundation School Program (FSP) as prescribed by TEC, Chapter 48; TEC §12.251, which states the definition of adult high school charter school programs; TEC, §25.001, which states that a school district must allow for an active duty member of the armed forces of the United States to be allowed 90 days to provide proof of residency; TEC, §25.0344, which states that a parent serving as a peace officer or service member may request a transfer to a district and campus of their choice; TEC, §25.081, which states that, for each school year, each school district must operate so that the district provides for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses, for students; TEC, §25.081(d), which authorizes the commissioner to adopt rules to implement the section; TEC, §25.081(g), which states that a school district may not provide student instruction on Memorial Day but that if a school district would be required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity, the commissioner shall approve the instruction of students for fewer than the number of minutes required under TEC, §25.081(a); TEC, §25.0812, which states that school districts may not schedule the last day of school for students before May 15; TEC, §25.087, which provides purposes for which a school district shall excuse a student from attending school; TEC, §28.02124, which states that a parent may request that a student repeat a course for high school credit; TEC, §29.081, which states that attendance accounting and FSP funding for Optional Flexible School Day Program participation may be generated through a remote or hybrid dropout recovery education program; TEC, §29.0822, which enables a school district to provide a program under this section that meets the needs of students described by TEC, §29.0822(a), for a school district that meets application requirements, including allowing a student to enroll in a dropout recovery program in which courses are conducted online. TEC, §29.0822, authorizes the commissioner to adopt rules for the administration of the section; TEC, §30A.153, which states that, subject to the limitation imposed under TEC, §30A.153(a-1), a school district or open-enrollment charter school in which a student is enrolled is entitled to funding under TEC, Chapter 48, or in accordance with the terms of a charter granted under TEC, §12.101, for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses

provided in a traditional classroom setting, provided that the student successfully completes the electronic course; TEC, §30A.153(d), which authorizes the commissioner to adopt rules necessary to implement the section, including rules regarding student attendance accounting; TEC, §48.004, which states that the commissioner shall adopt rules, take action, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the FSP; TEC, §48.005, which states that average daily attendance (ADA) is the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under TEC, §25.081(a), divided by the minimum number of days of instruction; TEC, §48.005(m), which authorizes the commissioner to adopt rules necessary to implement the section and subsections (m-1) and (m-2), which address virtual or remote instruction-related funding; TEC, §48.102, which states that for each student in average daily attendance in a special education program under TEC, Chapter 29, Subchapter A, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.15. For each full-time equivalent student in average daily attendance in a special education program under TEC, Chapter 29, Subchapter A, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to its instructional arrangement; TEC, §48.103, which states that for each student that a district serves who has been identified as having dyslexia or a related disorder, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 or a greater amount provided by appropriation; TEC, §48.104, which states that for each student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.2 or, if the student is educationally disadvantaged, 0.275. For each full-time equivalent student who is in a remedial and support program under TEC, §29.081, because the student is pregnant, a district is entitled to an annual allotment equal to the basic allotment multiplied 2.41; TEC, §48.105, which states that for each student in average daily attendance in a bilingual education or special language program under TEC, Chapter 29, Subchapter B, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1 or 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model, and for students not described in subdivision (1), 0.05 if the student is in bilingual education program using a dual language immersion/two-way program model; TEC, §48.106, which states that for each full-time equivalent student in average daily attendance in an approved career and technology education program in Grades 7-12 or in career and technology education programs, a district is entitled to an annual allotment equal to the basic allotment multiplied by a weight of 1.35 and \$50 for each student that is enrolled in two or more advanced career and technology classes for a total of three or more credits; a campus designated as a Pathways in Technology Early College High School (P-TECH) school under TEC, §29.556; or a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education; TEC, §48.108, which states that for each student in average daily attendance in Kindergarten-Grade 3, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is educationally disadvantaged or a student of limited English proficiency, as defined by TEC, §29.052, and in bilingual education or special language program under TEC, Chapter 29, Subchapter B; TEC, §48.109, which states that for each student in the gifted and talented category, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days. Not more than five percent of a district's students in average daily attendance are eligible for funding under this section. If the state funds exceed amount of state funds appropriated in any year for the programs, the commissioner shall reduce the districts tier one allotment. If funds are less than the total amount appropriated for the school year, the commissioner shall transfer the remainder to any program. After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for other programs; TEC, §48.270, which states that when, in the opinion of the agency's director of school audits, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of the records, or violation of the provisions of TEC, Chapter 48, through which the district's share of state funds allocated under the authority of this chapter would be, or has been, illegally increased, the director shall promptly and fully report the fact to the State Board of Education, the state auditor, and the appropriate county attorney, district attorney, or criminal district attorney; and TEC, §49.204, which states that a school district with a local revenue in excess of entitlement may reduce the district's local revenue level by serving nonresident students who transfer to the district and are educated by the district but who are not charged tuition.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.055(b)(35), 12.251, 25.001, 25.0344, 25.081, 25.0812, 25.087, 28.02124, 29.081; 29.0822, 30A.153, 48.004, 48.005, 48.102, 48.103, 48.104, 48.105, 48.106, 48.108, 48.109, 48.270, and 49.204.

<rule>

§129.1025. Adoption by Reference: Student Attendance Accounting Handbook.

- (a) The student attendance accounting guidelines and procedures established by the commissioner of education under §129.21 of this title (relating to Requirements for Student Attendance Accounting for State Funding Purposes) and the Texas Education Code, §48.004, to be used by school districts and charter schools to maintain records and make reports on student attendance and student participation in special programs will be published annually.
- (b) The standard procedures that school districts and charter schools must use to maintain records and make reports on student attendance and student participation in special programs for school year 2024-2025 [~~2023-2024~~] are described in the official Texas Education Agency (TEA) publication 2024-2025 [~~2023-2024~~] *Student Attendance Accounting Handbook*, which is adopted by this reference as the agency's official rule. A copy of the 2024-2025 [~~2023-2024~~] *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance. The commissioner will amend the 2024-2025 [~~2023-2024~~] *Student Attendance Accounting Handbook* and this subsection adopting it by reference, as needed.
- (c) Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.