

The Texas Education Agency (TEA) proposes an amendment to §129.1047, concerning truancy sanctions. The proposed amendment would align the rule with statute and the current agency investigative process.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 129.1047 establishes criteria for sanctions regarding truancy.

The proposed amendment would remove §129.1047(b) and (c) to align with current program practices.

Section 129.1047(d) would be re-lettered, and language would be added to specify that sanctions related to truancy prevention measures are subject to a school district's due process rights under Texas Education Code (TEC), Chapter 39, Subchapter A. In addition, a reference to TEC, §39.102(a), would be updated to §39A.002.

FISCAL IMPACT: Kristin McGuire, interim deputy commissioner for special populations and student supports, 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five years the proposed rulemaking would be in effect, it would limit and expand an existing regulation by removing outdated procedures and adding language to reflect the applicability of a school's due process rights to truancy prevention sanctions.

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. McGuire 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 provide a public benefit by enhancing procedural clarity and ensuring alignment with updated legal requirements for truancy investigations. 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 September 26, 2025, and ends October 27, 2025. 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 September 26, 2025. 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, §25.0915, which establishes truancy prevention measures.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §25.0915.

<rule>

§129.1047. Sanctions.

- (a) An aggrieved party may file a written complaint with the Texas Education Agency [~~(TEA)~~] regarding an allegation that a school district has failed to comply with the provisions set forth in Texas Education Code (TEC), §25.0915, or this subchapter related to truancy prevention measures.
- ~~[(b) TEA may request that a school district provide documentation regarding its compliance with required truancy prevention measures in response to a complaint filed with the TEA. If, after a review of this documentation or a school district's failure to provide this documentation, TEA determines that the school district is not in compliance with required truancy prevention measure provisions, TEA may issue a preliminary report of its findings to the school district in accordance with §157.1122 of this title (relating to Notice).]~~
- ~~[(c) A school district may request in writing an informal review of TEA's preliminary report of findings in accordance with §157.1123 of this title (relating to Informal Review). Following the informal review, or if no informal review is requested by the deadline, a final report will be issued.]~~
- (b) ~~[(d)]~~ The commissioner of education may implement any sanction listed in TEC, §39A.002 [~~§39.102(a)~~], against a school district found to be out of compliance with TEC, §25.0915, or this subchapter, subject to the due process rights accorded to the school district under TEC, Chapter 39, Subchapter A.