

The Texas Education Agency (TEA) proposes new §129.1049, concerning truancy. The proposed new section would reflect the new truancy reporting requirements enacted by House Bill (HB) 548, 86th Texas Legislature, 2019.

BACKGROUND INFORMATION AND 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.

Proposed new §129.1049 would implement 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 (TSDS) PEIMS.

The proposal would also update the subchapter title to better align with the content within the subchapter.

FISCAL IMPACT: Jessica Conlon, interim deputy commissioner for operations, 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 create a new regulation by requiring local education agencies to annually report new data through the TSDS PEIMS.

The proposed amendment 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 expand, limit, or 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. Conlon 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 ensuring that rule language reflects the statutory reporting requirements related to truancy data. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would require local education agencies to annually report new truancy data elements through the TSDS PEIMS.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The 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 February 21, 2020, and ends March 23, 2020. 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 February 21, 2020. 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/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §42.006(a-6), 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.