

WAIVERS

90% rule (updated guidance as of 3/15/20)

Waivers will be automatically granted, pursuant to the Commissioner's general waiver authority under Texas Education Code (TEC), §7.056, for students who do not meet the minimum attendance requirements of TEC, §25.092, for class credit or final grade for the 2019-2020 school year. School districts and open-enrollment charter schools do not need to apply for these automatic waivers.

Question from 3/12/20 FAQ document. Updated below as of 3/15/20

Can parents opt out of sending their children to school without withdrawing them?

LEAs have broad discretion under TEC, Sec. 25.087(a), to determine whether an absence is excused. Unexcused absences contribute to truancy and incur related truancy actions. In addition, students are subject to minimum attendance requirements. (See discussion on minimum attendance waivers in the school finance section). While the decision is a local determination, the agency would encourage LEAs to count these absences as excused absences, negating any impact on truancy. Furthermore, an absence must be excused if it is counted as present for state funding purposes. (See absences discussion in the Waivers and Funding section).