

Chapter 129. Student Attendance

Subchapter BB. Commissioner's Rules Concerning Truancy

§129.1041. Definitions.

For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.

Statutory Authority: The provisions of this §129.1041 issued under the Texas Education Code, §25.0915.

Source: The provisions of this §129.1041 adopted to be effective January 1, 2017, 41 TexReg 10278.

§129.1043. Minimum Standards.

The minimum standards for the truancy prevention measure(s) implemented by a school district under Texas Education Code, §25.0915, include:

- (1) identifying the root cause of the student's unexcused absences and actions to address each cause;
- (2) maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;
- (3) establishing reasonable timelines for completion of the truancy prevention measure; and
- (4) establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

Statutory Authority: The provisions of this §129.1043 issued under the Texas Education Code, §25.0915.

Source: The provisions of this §129.1043 adopted to be effective January 1, 2017, 41 TexReg 10278.

§129.1045. Best Practices.

- (a) A school district shall consider the following best practices for truancy prevention measures.
 - (1) Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Texas Education Code (TEC), Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the school year.
 - (2) Create a culture of attendance that includes training staff to talk meaningfully with students and parents about the attendance policy and the root causes of unexcused absences.
 - (3) Create incentives for perfect attendance and improved attendance.
 - (4) Educate students and their families on the positive impact of school attendance on performance.
 - (5) Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.
 - (6) Develop collaborative partnerships, including planning, referral, and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.
 - (7) Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.

- (8) Use existing school programs such as Communities In Schools, 21st Century Community Learning Centers, Restorative Discipline, and Positive Behavior Interventions and Supports (PBIS) to provide students and their parents with services.
- (9) At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the school district and the community that a school, a student, or a student's parent or guardian may access to address the student's barriers to attendance and make the information available to staff, students, and parents. The information must include, but is not limited to:
- (A) services for pregnant and parenting students;
 - (B) services for students experiencing homelessness;
 - (C) services for students in foster care;
 - (D) federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;
 - (E) state programs including, but not limited to, State Compensatory Education programs;
 - (F) dropout prevention programs and programs for "at risk" youth;
 - (G) programs that occur outside of school time;
 - (H) counseling services;
 - (I) tutoring programs and services available at no or low cost;
 - (J) mental health services;
 - (K) alcohol and substance abuse prevention and treatment programs;
 - (L) mentoring programs and services;
 - (M) juvenile justice services and programs;
 - (N) child welfare services and programs;
 - (O) other state or locally funded programs for truancy prevention and intervention; and
 - (P) other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.
- (10) After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.
- (11) School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students' attendance barriers.
- (b) In determining services offered to students identified in TEC, §25.0915(a-3), a school district shall consider:
- (1) offering an optional flexible school day program and evening and online alternatives;
 - (2) working with businesses that employ students to help students coordinate job and school responsibilities; and
 - (3) offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

Statutory Authority: The provisions of this §129.1045 issued under the Texas Education Code, §25.0915.

Source: The provisions of this §129.1045 adopted to be effective January 1, 2017, 41 TexReg 10278.

§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.
- (d) The commissioner of education may implement any sanction listed in TEC, §39.102(a), against a school district found to be out of compliance with TEC, §25.0915, or this subchapter.

Statutory Authority: The provisions of this §129.1047 issued under the Texas Education Code, §25.0915.

Source: The provisions of this §129.1047 adopted to be effective January 1, 2017, 41 TexReg 10278.

§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.

Statutory Authority: The provisions of this §129.1049 issued under the Texas Education Code, §42.006(a-6).

Source: The provisions of this §129.1049 adopted to be effective May 31, 2020, 45 TexReg 3440.