

90 % Rule	Compulsory Attendance
<p>Student loses course credit once the 10% threshold has been exceeded.</p> <ul style="list-style-type: none"> <li>• Example 1 – Student is enrolled in A/B day classes, Semester 1 for 80 days. Student receives 4 absences (excused or unexcused) on the 5<sup>th</sup> absence student receives an asterisk for the class.</li> <li>• Example 2 - Student is enrolled in A/B day classes, Semester 1 for 60 days. Student receives 3 absences (excused or unexcused) on the 4<sup>th</sup> absence student receives an asterisk for the class.</li> <li>• Example 3 – Elementary/Middle School student enrolled in yearlong courses for 172 days. Student receives 17 absence excused or unexcused on the 18<sup>th</sup> absence student receives an NG.</li> <li>• Example 4 – Elementary/Middle School student enrolled in yearlong courses for 152 days. Student receives 15 absence excused or unexcused on the 16<sup>th</sup> absence student receives an NG</li> </ul>	<p>A campus shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school without excuse on ten or more days or parts of days within a six-month period in the same school year, the campus shall within ten school days of the tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a).</p> <p>If a student fails to attend school without excuse on three days or more days of pars of days within a four-week period, The notice must:</p> <ol style="list-style-type: none"> <li>1. Inform the parent that: <ol style="list-style-type: none"> <li>a. It is the parent's duty to monitor the student's school attendance and require the student to attend school</li> <li>b. The student is subject to truancy prevention measures under Education Code 25.0915; and</li> </ol> </li> <li>2. Request a conference between school officials and the parent to discuss the absences.</li> </ol> <p>The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.</p>

## Compulsory Attendance vs. 90% Rule

### Compulsory Attendance

### 90% Rule

TEC§25.085:

- A child is required to attend a school under this section and shall attend school each school day for the entire period the program of instruction is provided. Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th birthday shall attend school.
- Prekindergarten and kindergarten students who are enrolled in school are subject to the Compulsory School Attendance section of the Texas Education Code. However, if the child has not reached mandatory compulsory attendance age (six years old as of September 1 of the current school year) the parent/guardian may withdraw the student from school and the child will no longer be in violation of compulsory attendance rules.
- For students over the age of 19, truancy may result in revocation of enrollment in certain circumstances. Tex. Educ. Code §§ 25.085-.086.

According to a 2001 memorandum from the Commissioner of Education, excused absences are distinctly different from the "unexcused absences" and "without excuse". They "are not grounds for filing a complaint or making a referral to juvenile court. There is no basis for referring a student for nonattendance based upon absences that have been excused". In addition, schools are prohibited from converting "tardiness to class as an absence for the purpose of compulsory attendance enforcement".

**Note: Excused absences do not count against a student in regard to compulsory attendance.**

#### What is the 90% Rule?

The 90% rule is a provision in the Texas Education Code (TEC) that applies to a student in any grade level from kindergarten through grade 12. TEC Section 25.092 provides that a student may not be given credit or a final grade for a class unless the student is in attendance 90% of the days the class is offered.

#### What absences count under the 90% rule?

All absences count, whether excused or unexcused, in determining whether the student has attended the requisite number of days to receive class credit or a final grade. According to the Texas Education Agency the 90% attendance requirement in Section 25.092 applies regardless of whether the student is exempt from compulsory attendance under Section 25.086 for the period of the absence or whether the absence is otherwise excused by the school district.