**1**. **May an absence be deemed excused but still be used to file truancy charges?**
 Texas Education Code [Section 25.091](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.091) provides that a complaint or referral for failure to attend school is to be filed after a student has a certain number of absences "without excuse.” Section 25.087 requires that certain absences be excused and provide that a student's absence may be excused for "any cause acceptable to the teacher, principal, or superintendent.” (04/2002)

**2**. **What is the education law that states how many days of school students are expected to attend and, how many days they can miss before they are held back?**
 Texas school districts are required to provide at least 180 days of instruction (Section 25.081, TEC). However, some districts have a waiver from the Commissioner of Education allowing them to substitute a few of those days for teacher professional development days. To receive credit for class, a student is required to attend school for at least 90 percent of the days the class is offered [Section 25.092](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.092), TEC. Students with excessive absences may restore credit as provided by local policy.

**3.** **Is Kindergarten required in Texas?**
 A child is not required to attend school unless he or she is at least six (6) years old on September 1st of the school year. Enrollment in Kindergarten is not required. However, if a child is enrolled in Kindergarten, regular attendance is required. If the child has too many unexcused absences while enrolled, compulsory attendance charges may be filed. A parent who enrolls a child in Kindergarten may choose to withdraw the child at anytime during the school year.

**4.** **Where can an administrator find updated information on attendance and school admission?**
 This information can be found in the Texas Education Code; however, it is summarized in the Administrator’s letter that is available each July. <http://ritter.tea.state.tx.us/taa/legal081710-2.html>

**5.** **What laws, policies, or guidelines must a school district follow in determining which school in its district a child should attend?**
 [Section 25.031](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.031), Texas Education Code, empowers the school board to “assign and transfer any student from one school facility or classroom to another within its jurisdiction.” The locally elected board makes that call with a few exceptions in districts that continue to be covered by a federal desegregation order. A parent can petition for a transfer under [Section 25.033](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.033), but final decision rest with the board.

**6.** **What options does a school district have in dealing with parents who do not have their children immunized?**
 Admission to a school is not allowed until records are produced showing that (1) the child has been immunized in accordance with state immunization rules; (2) the child has an exemption from immunization in accordance with state immunization rules; or (3) the child is entitled to provisional enrollment. Provisional enrollment applies to (1) students transferring from one Texas public or private school to another; (2) students who are homeless according to the federal McKinney-Vento Act; or (3) students who have begun required immunizations and are receiving them as quickly as medically feasible. For more information about immunization requirements, you may [visit http://immunizetexas.com/](visit%20http%3A/immunizetexas.com/%20) or contact the Immunization Division Customer Service team at (512) 458-7284 or (800) 252-9152.

**7.** **What are the policies for a student being absent for several days for educational purposes, but not a school function?**
 Absences for purposes of college visits are addressed in [Section 25.087 (b-2),](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.087) Education Code. Otherwise, whether the absence would be excused and under what conditions would be determined by local policy.

**8.** **At what age may a student drop out of school?**
 A child who is under 18 years of age is required to attend public school. There are several exemptions from this requirement. A primary exemption is for students who are enrolled in a private or parochial school, including a home school. Another primary exemption applies to students who are at least 17 years of age and are either enrolled in a GED (high school equivalency) program or have received either a high school diploma or GED certificate. The statutes stating the compulsory ages of attendance and the exemptions from attendance are [Sections 25.085](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.085) and 25.086 of the Texas Education Code. If a child is required to attend school and fails to do so, criminal charges may be brought against the parent under [Section 25.093](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.093) or against the student under [Section 25.094](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.094) if the offence is a Class C Misdemeanor. There is some information on this topic in the attendance section of the Administrator’s Letter <http://ritter.tea.state.tx.us/taa/legal081710-2.html>.

**9. Is a pregnant student still allowed to attend public schools?**
 A student is entitled to enroll in Texas public schools based on residency in the district, regardless of pregnancy. Federal law also prohibits discrimination in an educational program on the basis of pregnancy.