

- SUBJECT:** Waiving minimum attendance requirements for seriously ill students
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 13 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver
- 0 nays
- WITNESSES:** For — Riley Schaudel; (*Registered, but did not testify:* Dena Donaldson, Texas AFT; Mark Terry, Texas Elementary Principals and Supervisors Association; Suzi Kennon, Texas PTA; Starlee Coleman, Texas Public Charter Schools Association; Laura Atlas Kravitz, Texas State Teachers Association; Heather Sheffield)
- Against — None
- On — (*Registered, but did not testify:* Eric Marin and Monica Martinez, Texas Education Agency)
- BACKGROUND:** Education Code sec. 25.087 requires school districts to excuse a student from attending school for certain purposes, including for a temporary absence to attend a medical appointment if the student returns to school on the same day. Sec. 25.092 requires minimum attendance for at least 90 percent of class days for a student in kindergarten through grade 12 to receive credit or a final grade.
- Sec. 25.0915(a-3) prevents a district from referring a student to truancy court under certain circumstances.
- Sec. 28.0211 requires students in grades 5 and 8 to pass their grade-level STAAR exams to be promoted to the next grade.
- DIGEST:** CSHB 699 would require a school district to excuse a student from attending school for an absence resulting from a serious or life-threatening illness or related treatment that made the student's attendance infeasible, if

the student or the student's parent or guardian provided a certification from a licensed Texas physician specifying the student's illness and the anticipated period of the student's absence relating to the illness or related treatment.

The student's excused absence could not be considered in determining whether the student had satisfied attendance requirements for receiving credit or a final grade for a class. The student also could not be denied promotion for failing to perform satisfactorily on the STAAR exam due primarily to circumstances that resulted from the student's health status.

The bill would require a district to offer additional counseling and to not refer a student with a severe or life-threatening illness or related treatment to truancy court if the truancy was the result of the student's illness or treatment.

The bill would apply beginning with the 2021-2022 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 699 would help students with severe illnesses and chronic medical conditions advance in their education by waiving minimum attendance requirements.

Under current law, students cannot miss more than 10 percent of class time without jeopardizing their final grades or promotion to the next grade. This is a difficult standard for a student who may be unable to attend class while undergoing treatment for cancer or suffering from a chronic medical condition. The bill also would protect certain seriously ill students from being denied promotion to the next grade if their failure to pass the STAAR exams can be linked to their illness or treatment.

The bill would prevent a situation that occurred when a student was advised to attend football games and after-school events to make up for

class time missed even though the student had made up missed school assignments and earned passing grades.

Requiring a licensed Texas physician to certify that any absences were related to the student's illness or treatment would provide a safeguard against concerns that a person might abuse the waiver of minimum attendance requirements. School districts could ensure that seriously ill students in grades 5 and 8 who had not passed their STAAR exams had mastered the requisite knowledge by using grade placement committees to review their coursework and make additional assignments.

**CRITICS
SAY:**

The section in HB 699 waiving STAAR grade promotion requirements for seriously ill students raises concerns about whether students could be promoted without having mastered the appropriate grade-level content.