

By: Rosenthal

H.B. No. 699

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to public school attendance and promotion requirements for  
3 students diagnosed with or undergoing related treatment for severe  
4 or life-threatening illnesses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 25.087(b), Education Code, is amended to  
7 read as follows:

8 (b) A school district shall excuse a student from attending  
9 school for:

10 (1) the following purposes, including travel for those  
11 purposes:

12 (A) observing religious holy days;

13 (B) attending a required court appearance;

14 (C) appearing at a governmental office to  
15 complete paperwork required in connection with the student's  
16 application for United States citizenship;

17 (D) taking part in a United States naturalization  
18 oath ceremony;

19 (E) serving as an election clerk; or

20 (F) if the student is in the conservatorship of  
21 the Department of Family and Protective Services, participating, as  
22 determined and documented by the department, in an activity:

23 (i) ordered by a court under Chapter 262 or  
24 263, Family Code, provided that it is not practicable to schedule

1 the participation outside of school hours; or

2 (ii) required under a service plan under  
3 Subchapter B, Chapter 263, Family Code; ~~or~~

4 (2) a temporary absence resulting from an appointment  
5 with health care professionals for the student or the student's  
6 child if the student commences classes or returns to school on the  
7 same day of the appointment; or

8 (3) an absence resulting from a serious or  
9 life-threatening illness or related treatment that makes the  
10 student's attendance infeasible, if the student or the student's  
11 parent or guardian provides a certification from a qualified  
12 physician specifying the student's illness and the anticipated  
13 period of the student's absence relating to the illness or related  
14 treatment.

15 SECTION 2. Section 25.0915(a-3), Education Code, is amended  
16 to read as follows:

17 (a-3) A school district shall offer additional counseling  
18 to a student and may not refer the student to truancy court under  
19 this section, Section 25.0951, or any other provision if the school  
20 determines that the student's truancy is the result of:

21 (1) pregnancy;

22 (2) being in the state foster program;

23 (3) homelessness; ~~or~~

24 (4) severe or life-threatening illness or related  
25 treatment; or

26 (5) being the principal income earner for the  
27 student's family.

1 SECTION 3. Section 25.092, Education Code, is amended by  
2 adding Subsection (a-3) to read as follows:

3 (a-3) A student's excused absence under Section  
4 25.087(b)(3) may not be considered in determining whether the  
5 student has satisfied the attendance requirement under Subsection  
6 (a) or (a-1).

7 SECTION 4. Section 28.021, Education Code, is amended by  
8 adding Subsection (c-1) to read as follows:

9 (c-1) Notwithstanding Subsection (a), a student may not be  
10 denied promotion if the school district determines that the student  
11 failed to meet the requirements for advancement under this section  
12 due primarily to circumstances that resulted from a serious or  
13 life-threatening illness or related treatment that qualifies the  
14 student for an excused absence under Section 25.087(b)(3).

15 SECTION 5. Section 28.0211, Education Code, is amended by  
16 adding Subsection (q) to read as follows:

17 (q) Notwithstanding any other provision of this section, a  
18 student may not be denied promotion if the school district  
19 determines that the student failed to perform satisfactorily on an  
20 assessment instrument specified under Subsection (a) due primarily  
21 to circumstances that resulted from a serious or life-threatening  
22 illness or related treatment that qualifies the student for an  
23 excused absence under Section 25.087(b)(3).

24 SECTION 6. This Act applies beginning with the 2021-2022  
25 school year.

26 SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2021.