

**SENATOR JEFF WENTWORTH**

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**The Senate of  
The State of Texas**

March 3, 1999

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Opinion Committee

**COMMITTEES**

Chairman, Nominations  
Jurisprudence  
State Affairs

**COUNTIES IN  
SENATE DISTRICT 25**

Bandera	Llano (part)
Bexar (part)	Mason
Blanco	Medina (part)
Comal (part)	Schleicher
Gillespie	Sutton (part)
Guadalupe (part)	Tom Green (part)
Kendall	Travis (part)
Kerr	Williamson (part)
Kimble	

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ATTORNEY GENERAL'S OFFICE

Liz Robinson - Opinion Comm  
- 024

VIA INTERAGENCY MAIL

FILE # ML-40719-99

I.D. # 40719

RQ-0039-JC

The Honorable John Cornyn  
Attorney General of Texas  
W. P. Clements Building  
300 West 15th Street  
Austin, Texas 78701

Dear General Cornyn:

Section 25.087 of the Texas Education Code provides the following:

(b) ...A school district shall excuse a student for temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment. A student whose absence is excused under this subsection *may not be penalized* for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district... (italics mine)

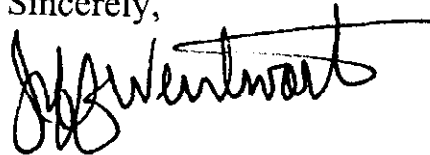
Many teachers and school systems grant students with "perfect attendance" the benefit of skipping some tests and even final exams. A student who has an excused absence provided in Section 25.087 is penalized by being excluded from receiving this benefit. This practice seems to be in conflict with the statute.

Many dentists in my district feel that any "reward" system for perfect attendance must include medical/dental excuses if the student satisfactorily completes the school work.

The Honorable John Cornyn  
March 3, 1999  
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I respectfully request an opinion on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Wentworth". The signature is written in a cursive style with a long horizontal stroke extending from the top of the "t".

Jeff Wentworth

JW/cb