



# State Compensatory Education

## At-risk Student Eligibility & Requirements

Resource information  
from TEA

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# Intent and Purpose

Programs and/or services designed to **supplement** the regular education program for at-risk students.

- ❖ **Goal:** to improve STAAR scores for at-risk students and close the gap between them and all other LEA students.
- ❖ **Purpose:** increase the academic achievement and reduce the dropout rate of these students.

## At-Risk Student Eligibility

Eligibility criteria includes each student who is under **26 years of age** and who:

**NOTE:** H.B. No. 5 changed the age of eligibility

# At-Risk Student Eligibility

1. Was **not advanced** from one grade level to the next for one or more school years;

Change effective the 2009-2010 school year: adds provision to 29.081 that changes the compensatory education definition of “student at-risk of dropping out of school” by **excluding a student who did not advance from PK or kindergarten to the next grade level ONLY as a result of the request of the student’s parents.**

**NOTE:** This is NOT retroactive and the student remains at-risk of dropping out of school for the remainder of his/her public school education.

## At-Risk Student Eligibility

2. Is in grade **7, 8, 9, 10, 11, or 12**, and **did not maintain an average equivalent to 70** on a scale of 100 in **two or more subjects in the foundation curriculum** during a **semester** in the **preceding** or **current** school year or is **not maintaining such an average in two or more subjects in the foundation curriculum in the current semester**;



## At-Risk Student Eligibility

3. **Did not perform satisfactorily** on an **assessment instrument administered to the student under Subchapter B, Chapter 39**, and who has **not** in the **previous** or **current** school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least **110% of the level of satisfactory performance on that instrument**;

## At-Risk Student Eligibility

4. Is in **prekindergarten, kindergarten**, or grade **1, 2, or 3** and **did not perform satisfactorily** on a **readiness test** or assessment instrument administered during the **current** school year;

**NOTE:** Do not use the previous year's scores for classification



## At-Risk Student Eligibility

5. Is **pregnant** or is a **parent**;
6. Has been placed in an **alternative education program** in accordance with Section 37.006, TEC during the **preceding** or **current** school year;

**NOTE:** Section 37.006 describes a disciplinary education program NOT an in-school suspension (ISS) program or a JJAEP

## At-Risk Student Eligibility

7. Has been **expelled** in accordance with Section 37.007, TEC during the **preceding** or **current** school year;
8. Is **currently** on **parole, probation, deferred prosecution**, or other **conditional release**;

## At-Risk Student Eligibility

9. Was **previously reported** through PEIMS to have **dropped out of school**;

**NOTE:** Student remains at-risk of dropping out of school for the remainder of his/her public school education

10. Is a student of **limited English proficiency**, as defined by Section 29.052, TEC;

**NOTE:** The student no longer meets at-risk status for this criteria once the student has been exited from this program.

## At-Risk Student Eligibility

11. Is in the **custody or care** of the **Department of Protective and Regulatory Services** or has, during the **current** school year, been **referred to the department** by a **school official**, officer of the juvenile court, or law enforcement official;

**NOTE:** Now the Department of Family & Protective Services

# At-Risk Student Eligibility

12. Is **homeless**, as defined by 42 U.S.C. Section 11302, and its subsequent amendments;

Refer to McKinney-Vento Homeless Assistance Act of 2001, Sec 725

**For more information: The Texas Homeless Education Office offers free technical assistance to any district that needs help in developing and/or implementing its Homeless Education Plan. Call 512-475-9702 or 1-800-446-3142 to speak with a consultant.**

<http://www.utdanacenter.org/theo/>

**Also, review and maintain information located in Appendix 17 in the NCLB Federal Application for Federal Funds.**

<http://ritter.tea.state.tx.us/nclb/nclbaa/ap17Homeless.pdf>

# At-Risk Student Eligibility

13. Resided in the **preceding** school year or resides in the **current** school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

**NOTE:** Student cannot be counted by two districts during the same time period

# At-Risk Student Eligibility

14. Has been **incarcerated** or has a parent or guardian who has been incarcerated, **within the lifetime of the student**, in a penal institution as defined by Section 1.07, Penal Code

## Section 1.07, Penal Code

(14) "Correctional facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:

- (A) a municipal or county jail;
- (B) a confinement facility operated by the Texas Department of Criminal Justice;
- (C) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice; and
- (D) a community corrections facility operated by a community supervision and corrections department



## At-Risk Student Eligibility

**How does one determine if a student with disabilities is also classified as a student at-risk of dropping out of school?**

*The at-risk situation cannot be due to a disability. **The student with a disability would be in an at-risk situation if the student met one of the listed criteria, not due to the disability.***

**Are dyslexic children automatically considered to be at-risk of dropping out of school?**

***No,** not according to state criteria.*

# State Compensatory Education Department

## Additional Campus Training

For more information, contact our department at (956) 548-8242

### **Follow-up Sites at TEA Support:**

[At Risk Support for Students and Schools](#)

[After School Programs](#)

[Dropout Information](#)

[Graduation and Dropout Rates](#)