



## To the Administrator Addressed

Commissioner Mike Morath

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<b>DATE:</b>	<b>January 9, 2020</b>
<b>SUBJECT:</b>	<b>Expansion of At-Risk Student Definition</b>
<b>CATEGORY:</b>	<b>State Compensatory Education</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate staff</b>

The purpose of this letter is to provide districts, including charter schools, with information regarding the inclusion of certain students as students at risk of dropping out of school.

SB 1746, 86<sup>th</sup> Texas Legislature, 2019, amended Section 29.081 of the Texas Education Code (TEC) to expand the definition of students who are at risk of dropping out to include students who have been incarcerated or who have parents that have been incarcerated within the student's lifetime, in a penal institution as defined by Penal Code, §1.07. These students are eligible to receive certain services that other at-risk students receive, such as counseling and academic enhancement services.

Penal Code, §1.07(a)(37), defines “penal institution” as “a place designated by law for confinement of persons arrested for, charged with, or convicted of an offense.” The Texas Education Agency (TEA) considers the term “incarcerated” in amended TEC, §29.081, to mean conviction for a criminal offense and consequent sentencing and confinement to jail or prison. The juvenile equivalent is adjudication and consequent placement in a juvenile detention facility.

TEA’s general guidelines for documenting a student at-risk due to incarceration are as follows:

- Timeline for Identification – This begins as soon as the appropriate school staff is informed of a student’s incarceration or that a student’s parent or guardian has been incarcerated in a penal institution in the student’s lifetime.
- Start Date – This is the date of disclosure to campus staff.
- End Date – The student remains identified as at-risk for the remainder of his/her public school education.
- Districts may legally request this information. Documentation must be maintained and may include a detailed “memo-to-file.”

### Questions

If you have any questions regarding the identification of at-risk students, email [statecompensatoryeducation@tea.texas.gov](mailto:statecompensatoryeducation@tea.texas.gov).

Sincerely,  
Dahlinda Alaniz  
State Compensatory Education Coordinator