

Frequently Asked Questions Compensatory Education

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1. General

1. What is the definition of the Compensatory Education Program?

The Compensatory Education Program (Comp Ed), as defined by Texas Education Code [TEC, Sec. 29.081](#), includes programs and services designed to support regular education for students at risk of dropping out of school.

[TEC, Sec. 29.081](#), outlines the requirements for school systems to support students at risk of dropping out through compensatory, intensive, and accelerated instruction.

The focus is on the provision of:

- Compensatory (for foundational gaps),
- Intensive (for significant learning needs), and
- Accelerated (to help students catch up quickly) instructional services

for students at risk of dropping out of school.

Educational foundation gaps are missing or incomplete essential skills that hinder student success. For instance, a lack of basic reading comprehension in elementary school can make it difficult to grasp complex math in high school.

2. What is the purpose of the Compensatory Education (Comp Ed) program, and how does it support students at risk of dropping out?

The Compensatory Education program is designed to support students identified as at risk of academic failure or dropping out. In alignment with TEC, Sec. 29.081, its purpose is to increase academic achievement and reduce dropout rates by providing targeted instructional programs and support services that enhance educational outcomes and promote student success.

3. What is the importance of compensatory education?

Compensatory Education serves as a critical framework of support for students identified as at risk of dropping out, providing targeted instructional services designed to improve academic achievement and reduce disparities in educational outcomes, as mandated by [TEC, Sec. 29.081](#).

As defined by [TEC, Sec. 29.081](#), these programs and services are designed to strengthen the regular education program and provide targeted interventions for students who meet state or “locally” defined criteria.

By identifying and addressing academic and personal challenges early, Comp Ed helps ensure that every student has a fair opportunity to succeed, stay in school, and reach their full potential.

4. What is the goal of compensatory education?

The goal of this program is to ensure that students who are not performing at grade level or are at risk of dropping out receive compensatory, intensive, or accelerated instructional services.

The primary aim is to support at-risk students:

- Achieve grade-level performance by the end of the next regular school term.
- Pass required end-of-course assessments for graduation.
- Remain engaged in school and complete their high school education.

5. Are Texas school districts required to identify and serve their at-risk students?

Yes. [TEC, Sec. 29.081](#) requires Texas school districts to identify and serve students at risk of dropping out of school.

Here are the key requirements outlined in the statute:

- Identification: Districts must identify students who are at risk of dropping out based on specific criteria, such as failing grades, poor performance on standardized tests, or not advancing to the next grade level
- Clarification: School systems are required to identify students who may be at risk of dropping out of school. The specific indicators help schools provide targeted support and interventions to keep students on track for graduation.
- Instructional Support: Districts are required to design and implement compensatory, intensive, or accelerated instructional services to help these students perform at grade level
- Clarification: School systems must create and carry out targeted instructional programs—such as compensatory, intensive, or accelerated learning opportunities—for students who are not yet performing at grade level. These supports are designed to help students catch up and meet grade-level expectations.
- Accelerated Instruction: If a student fails an end-of-course assessment required for graduation, the district must provide additional instruction at no cost before the next test administration.
- Clarification: Under House Bill 1416, school systems must provide accelerated instruction to students who do not meet grade-level expectations on STAAR or EOC assessments.
- Budgeting and Evaluation: School systems must provide additional accelerated instruction at no cost to any student who fails an end-of-course (EOC) assessment required for graduation.
 - This instruction must take place before the next scheduled assessment administration.
 - School systems must evaluate the effectiveness of their accelerated instruction programs annually and hold a public hearing to review and discuss the results.
- Clarification: Districts are required to provide free, additional accelerated instruction to any student who does not pass an End-of-Course (EOC) assessment that is required for graduation.
 - This hearing reviews how effective those programs were in helping students who failed end-of-course exams or were at risk of dropping out.

6. What sections of the Texas Education Code pertain to the compensatory education program?

[TEC, Sec. 29.081](#) – *(Information and Requirements for the Program)*

[TEC, Sec. 48.104](#) – *(Funding Information)*

Defines how Comp Ed allotment funds are determined and calculated

[TEC, Sec. 11.251-11.253](#) – *(Text remains unchanged.)*

Needs Assessment and Planning: addressing district student performance on the achievement indicators

- This statute is crucial for effective planning and strategic use of state grants, even though it is not exclusive to the Compensatory, Intensive, and Accelerated Instruction Program
- Each district shall, at least once every two years, evaluate the effectiveness of its decision-making and planning policies, procedures, and staff development to ensure they support improved student performance.

7. Is monitoring a student's academic progress considered accelerated instruction?

No, monitoring alone is not considered accelerated instruction. However, in some cases, students who are identified as at-risk may be performing well and only require ongoing monitoring to ensure they stay on track academically.

8. Why are accurate reporting and early identification of students essential for preventing academic failure and fulfilling state accountability standards?

Accurate reporting and early identification of students ensure school systems can provide targeted support services and intervene before academic failure or dropout occurs, while meeting state accountability requirements.

9. Can a school system charge at-risk students for end-of-course exam preparation?

No, school systems cannot charge at-risk students for end-of-course exam preparation. State law mandates that free accelerated instruction be provided for at-risk students. Charging fees would violate this mandate.

10. What does a high number of identified at-risk students indicate about the effectiveness and equity of our school system?

A higher number of identified students means that more students are benefiting from targeted services, which reflects positively on the school system's fulfillment of accelerated instruction.

As more students are identified as needing additional support, a greater number become eligible for the help they need for academic success. This increase reflects the school district's effective implementation of accelerated instruction programs, which are helping students close learning gaps and make meaningful progress.

11. Does a higher number of identified at-risk students increase the school system's compensatory education allotment?

No. Under [TEC, Section 48.104](#), compensatory education funds are calculated and allocated to school districts based on specific criteria related to students' economic and educational disadvantages.

Breakdown of how the funding works:

Calculation of Allotments

1. Residential Placement Students:

- For students without disabilities living in a residential placement facility outside their guardian's district, the district receives:
 - $\text{Basic Allotment} \times 0.2$
- If the student is educationally disadvantaged, the multiplier increases to:
 - $\text{Basic Allotment} \times 0.275$

2. Pregnant Students in Support Programs:

- For each full-time equivalent student in a remedial/support program under TEC §29.081 due to pregnancy:
 - $\text{Basic Allotment} \times 2.41$

3. Educationally Disadvantaged Students in Census Block Groups:

- Students who are educationally disadvantaged and live in economically disadvantaged census block groups receive funding based on a tiered weight system:
 - The Commissioner of Education categorizes census block groups into five tiers based on:
 - Median household income
 - Educational attainment
 - Single-parent household percentage
 - Homeownership rate
 - Other relevant economic indicators
 - Tier Weights:
 - Tier 1 (least disadvantaged): 0.225
 - Tier 2: 0.2375
 - Tier 3: 0.25
 - Tier 4: 0.2625
 - Tier 5 (most disadvantaged): 0.275

4. Homeless Students:

- For students identified as homeless under federal law (42 U.S.C. §11434a):
 - Basic Allotment × 0.275 (highest tier weight)

5. Insufficient Data:

- If census block data is unavailable, districts receive:
 - Basic Allotment × 0.225 for each educationally disadvantaged student in that block group.

12. Is meeting any of the at-risk criteria considered a label?

Being identified as an at-risk student is not a label—it signifies eligibility for additional educational support designed to help students meet grade-level expectations, succeed on state assessments, and ultimately graduate.

It's important to know that being identified as “at-risk” is not a label or a mark on a student’s academic record. It does not appear on report cards, transcripts, or diplomas. Instead, it’s a way for schools to recognize that a student may benefit from additional educational support.

This designation helps ensure that students receive the resources they need to:

- Meet grade-level expectations,
- Succeed on state assessments, and
- Stay on track for graduation.

It’s a proactive step—focused on empowerment and opportunity, not judgment. The goal is to help every student thrive academically and reach their full potential.

Identification triggers eligibility for specific educational support and interventions.

13. Should student identification be limited to a single point in the school year, most commonly just before October PEIMS data are submitted, or should it be an ongoing process?

At-risk identification should be an ongoing process throughout the school year to ensure that students eligible for services under the Comp Ed program are properly supported. For instance, if a student becomes homeless in March, the district must identify and provide services to that student, even if the identification occurs after the PEIMS snapshot date.

14. Is a student considered at risk of dropping out of school if they were placed in the next grade but were not promoted based on academic performance?

No. Being placed in the next grade level is considered advancement.

15. Can school systems use local criteria for identifying additional at-risk students for compensatory services?

School systems can serve students who meet local eligibility criteria in addition to those who meet the state at-risk criteria, as long as these local criteria have been approved by the board of trustees, according to [TEC, Sec. 29.081\(g\)](#). However, the number of students receiving Comp Ed services based on local criteria in a given school year cannot exceed 10 percent of the number of students who met the state criteria and were served in the Comp Ed program the previous year, as outlined in TEC Sec. 29.081. Districts need to document that students identified using local criteria are included on the list of students identified under TEC, Sec. 29.081. To ensure compliance, all information must be kept up to date.

16. Are locally identified students reported to PEIMS?

No. PEIMS only requires the number of students meeting state at-risk criteria. However, if the school system identifies students using local criteria, documentation must be maintained to authenticate the classification and number of students. The retention of the approving board minutes is highly recommended.

17. When campuses complete the At-Risk documentation, one indicator is failure to pass the STAAR assessment. Does this criterion also apply to students who did not pass the STAAR Alternate 2 (STAAR Alt 2) assessment?

No. The STAAR Alternate 2 is designed for students with cognitive disabilities who receive special education services. These students are assessed against alternative academic achievement standards, and the test is administered individually in a highly structured, supportive format.

Participation in the STAAR Alternate 2 assessment is required for students who are determined eligible by their Admission, Review, and Dismissal (ARD) committee. Unlike the standard STAAR exam, STAAR Alt 2 is not considered a high-stakes assessment. In contrast, students receive performance levels (e.g., *Satisfactory*, *Developing*); low scores do not result in corrective consequences.

The primary purpose of STAAR Alt 2 is to measure student progress and inform instruction, rather than to determine grade-level promotion or graduation eligibility in most cases. Therefore, performance on STAAR Alt 2 does not meet the at-risk criteria outlined in [Texas Education Code \(TEC\), Section 29.081\(d\)\(C\)](#).

18. Since Comp Ed consists of programs and services aimed at supporting and enhancing regular education for students identified as at risk of dropping out of school, can students with disabilities also be classified as At-Risk?

A student with a disability may be classified as at-risk only if they meet one or more criteria in [TEC, Section 29.081](#), and those criteria are not directly related to the disability.

Key points include:

- A student cannot be classified at-risk solely due to their disability.
- If a student with a disability meets an at-risk criterion unrelated to the disability, such as homelessness, pregnancy, or academic failure, they may be classified as at-risk.
- These students are eligible for the same support services provided to other at-risk students.

Note: A special education student who does not meet the progress expectations set by the ARD committee may be considered at risk of dropping out of school. In such cases, the ARD committee will determine when the student has met the assessment goals necessary to exit the at-risk status based on state assessment performance.

2. At-Risk Identification

(A) Except as provided by Subsection (h) or if retained for prekindergarten under Section [28.02124](#), was not advanced from one grade level to the next for one or more school years;

EXIT CRITERIA: Students remain in this classification throughout their public education. The designation remains to ensure continued support.

A1. If a prekindergarten student is retained solely at the request of their parent, should the student be classified as at risk?

No. According to [TEC, Section 29.081\(d-1\)](#), a student is not classified as at risk of dropping out of school if they did not advance from prekindergarten to the next grade level solely because of a parent's request.

A2. If a third-grade student did not advance to the next grade level solely due to a parent's request, is the student considered at-risk?

Yes. According to [TEC, Section 29.081\(a\)](#), a student is considered at risk of dropping out of school if they have not advanced to the next grade for one or more school years. This student will remain classified as at-risk until the end of their public education career and will qualify for Comp Ed services and monitoring of their academic status.

- A3. Does a student meet the definition of being at risk of dropping out when the student is placed in the next grade level but is not promoted due to insufficient academic performance?**

No. Placement in the next grade is considered advancement to the next grade.

- (B) If the student is in grade 7, 8, 9, 10, 11, or 12, 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;**

EXIT CRITERIA: Total of two years (End of the second year if the student did not fail two or more core subjects in the second year of identification.)

- B1. If a student failed two or more core subjects in the fall but passed them in the spring, are they still considered at risk of dropping out next year?**

Yes. Despite students' improvement, state guidelines indicate that failing two or more core subjects in a single semester still classifies the student as at risk.

- B2. What is the foundation curriculum?**

Under [TEC, §28.002](#), the foundation curriculum includes:

- English Language Arts
- Mathematics
- Science
- Social Studies, which covers:
 - Texas History
 - U.S. History
 - World History
 - Government
 - Economics (with emphasis on the free enterprise system)
 - Geography

- B3. If a student is currently failing two or more foundation subjects, should this student be identified as at risk?**

Yes, according to state law. Early identification ensures students receive timely support and increases their likelihood of successfully passing foundation subjects during the semester.

- (C) 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 percent of the level of satisfactory performance on that instrument;**

EXIT CRITERIA: The student will exit the program when they pass the previously failed assessment at a level equal to 110% of the level of satisfactory performance on that assessment instrument.

- C1. What is the passing and failing standard for STAAR?**

The passing standard for STAAR is Approaches Grade Level. A student who scores at or above this level has passed the STAAR assessment, but a student who scores within Did Not Meet Grade Level has not passed.

- C2. If there isn't another upcoming test in the same subject that the student failed, can the school system offer an equivalent test and score it at 110% to determine if the student can be removed from the at-risk list?**

Yes, if the school system administers an equivalent assessment in the failed subject before the next EOC, and the student achieves a score equivalent to 110% of the passing standard. It is recommended that the school system retain all supporting documentation for monitoring purposes.

C3. Is there a simpler way to explain the 110% passing rule?

Yes. If a student scored 66 on a subject section and the passing score is 70, they would need to score 77 to pass. Why? Because 110% of the passing score (70) is 77. This ensures that students not only meet the minimum standard but also demonstrate improved mastery by exceeding it.

C4. If a student is absent on the day of the required state assessment and does not participate in a makeup session, does the student still qualify as at-risk under TEC, Section 29.081?

Yes. Under [TEC, Sec. 29.081](#), a student who fails to take a required state assessment and does not subsequently demonstrate satisfactory performance—either on that assessment or an approved equivalent—may be identified as meeting the criteria for being at risk of dropping out of school.

Furthermore, 19 TAC §101.2005(c) specifies that students who are absent for an assessment or who otherwise do not receive a valid score are considered not to have performed satisfactorily.

C5. If a parent refuses to allow their child to participate in the STAAR assessment, and therefore the student has no test score, should the student still be coded as At Risk under Criterion #3, which is based on unsatisfactory performance on a standardized test?

If a parent refuses STAAR testing for their child and the student does not have a test score, the student should be classified as At Risk under Criterion #3 of [TEC Sec. 29.081](#). This criterion applies when a student does not demonstrate satisfactory performance on a standardized assessment. Since the student did not complete the assessment, there is no evidence of satisfactory performance, which aligns with the definition of Criterion #3. It is important to note that this criterion emphasizes mastery of the subject matter being tested, rather than merely participation.

To address this, the school system may administer an equivalent local assessment in the missed subject area. If the student achieves a score that meets the passing standard, the student may be removed from the At-Risk designation under this criterion.

C6. When campuses complete the At-Risk documentation, one indicator is failure to pass the STAAR assessment. Does this criterion also apply to students who did not pass the STAAR Alternate 2 (STAAR Alt 2) assessment?

No. The STAAR Alternate 2 is designed for students with cognitive disabilities who receive special education services. These students are assessed based on alternate academic achievement standards, and the test is administered individually in a highly structured and supportive format.

Participation in the STAAR Alternate 2 assessment is required for students who are determined eligible by their Admission, Review, and Dismissal (ARD) committee. Unlike the standard STAAR exam, STAAR Alt 2 is not considered a high-stakes assessment. In contrast, students receive performance levels (e.g., *Satisfactory*, *Developing*); low scores do not result in corrective consequences.

The primary purpose of STAAR Alt 2 is to measure student progress and inform instruction, rather than to determine grade-level promotion or graduation eligibility in most cases. Therefore, performance on STAAR Alt 2 does not meet the at-risk criteria outlined in [TEC Section 29.081\(d\)\(C\)](#).

(D) If the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

EXIT CRITERIA: Current year only. The performance score does not carry over to the next school year for the student.

D1. What is the purpose of the readiness test?

The readiness test is designed to support each child's academic success by identifying strengths and areas for growth early in their educational journey. By detecting learning gaps before they widen, the test enables educators to deliver targeted instruction and timely interventions. This proactive approach helps ensure students are better prepared for academic achievement. Ultimately, the readiness test promotes a strong start in school, laying the foundation for long-term success and helping prevent future learning gaps.

D2. When should school systems administer the readiness test?

School systems should administer a readiness test or assessment instrument as early in the school year as possible to identify students who qualify for targeted services. Additionally, students who enroll after the start of the year should be assessed within 30 days of their enrollment to ensure timely support.

D3. Can a school system develop its own readiness assessment for each grade level?

Yes, a school system may develop its own readiness assessments locally. These assessments do not need to be part of a commercially purchased program. However, it is essential that they:

- Align with the evaluation criteria and instructional goals of the district or campus,
- Are administered consistently across all classrooms and campuses, and
- Maintain uniformity in content and implementation to ensure equitable measurement of student readiness.

D4. Can readiness tests include more than one subject?

Yes, readiness tests can include more than one subject. These assessments should be tailored to the student's grade level. Readiness tests for younger students may assess broad developmental areas, including social-emotional skills, motor development, and foundational concepts. For older students, the focus may shift to academic areas like reading and mathematics, aligning with their instructional needs and developmental stage.

(E) Is pregnant or is a parent;

EXIT CRITERIA: The student does not exit unless there is a voluntary or involuntary loss of the child.

E1. When are students identified as at risk under TEC §29.081(d)(1)(E)?

Students are identified as at risk of dropping out of school under this criterion if they are pregnant or are parents. This includes both female and male students. Male students should be coded as at-risk and begin receiving services once their child is born.

(F) Has been placed in an alternative education program in accordance with TEC, Sec. [37.006](#) during the preceding or current school year;

EXIT CRITERIA: Duration of two years – end of the second school year after placement

F1. How do school systems determine when a student must be placed in a Disciplinary Alternative Education Program (DAEP)?

School systems follow guidelines set by the Texas Education Code, specifically Section 37.006. This law lists specific behaviors—such as making threats, committing certain crimes, or possessing prohibited substances—that legally require a student to be removed from the regular classroom and placed in a DAEP.

F2. A campus inquired about a student who was recently arrested and spent several days in juvenile detention. Does this student meet the eligibility criteria outlined in TEC, Sec. 29.081?

Yes. For a student recently released from a JJAEP, the most directly applicable criterion is:

(F): *Has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year.*

This designation qualifies the student for compensatory, intensive, or accelerated instruction under [TEC, Sec. 29.081](#), which districts are required to provide to help the student perform at grade level and reduce the dropout rate.

- (G) Has been expelled in accordance with [TEC, Sec. 37.007](#) during the preceding or current school year;**
EXIT CRITERIA: Duration of two years – end of the second school year after placement

G1. How do school systems determine which students meet the criteria for expulsion under TEC, Sec. 37.007?

School systems rely on the guidelines outlined in [TEC, Sec. 37.007](#), which mandates expulsion for students who engage in serious offenses. These include crimes such as unlawful possession of weapons, aggravated assault, sexual assault, arson, murder, and other violent or felony-level conduct committed on school property or at school-related events.

- (H) Is currently on parole, probation, deferred prosecution, or other conditional release;**
EXIT CRITERIA: At the end of the current year, if legally removed from the condition.

H1. Are law enforcement agencies required to notify public schools when a student is arrested or referred for an offense listed under Subsection (h), [Article 15.27](#) of the Texas Code of Criminal Procedure?

Yes. The [Texas Code of Criminal Procedure, Article 15.27](#), requires law enforcement to notify school officials when a student is arrested or referred to juvenile authorities for certain offenses. This helps schools and probation officers coordinate supervision and support for the student.

- (I) Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;**
EXIT CRITERIA: Students remain in this classification throughout their public education. The designation remains to ensure continued support.

I1. Does a student who has missed more than 20 days of school meet the criterion under [TEC, Sec. 29.081\(d\)\(1\)\(I\)](#)?

No. Missing over 20 days of school does not automatically qualify a student under this specific criterion. [TEC, Sec. 29.081\(d\)\(1\)\(I\)](#) applies only to students who have been officially reported in the Public Education Information Management System (PEIMS) as having dropped out in a prior school year. These students are identified as "at risk of dropping out of school" and are eligible for targeted support through the Comp Ed program. This designation enables schools to offer accelerated instruction, counseling, and other targeted interventions to enhance academic success and improve graduation outcomes.

- (J) Is an emergent bilingual student, as defined by Section [29.052](#);**

EXIT CRITERIA: Once the student exits the EB program and enters the required EB monitoring phase.

J1. If a student has successfully exited the Emergent Bilingual (EB) program and is currently being monitored by the campus, is the student still considered "at risk"?

No. According to state criteria, a student is identified as "at risk" due to limited English proficiency only while actively coded and participating in the Emergent Bilingual program. Once the student exits the program and enters the monitoring phase, they are no longer considered at risk under this criterion.

J2. If a parent declines Emergent Bilingual (EB) services for a student who qualifies, is the student removed from EB classification?

For clarification or updates on a student's EB status, please consult the EB program director. The director maintains up-to-date records and is familiar with the applicable program guidelines. This information comes from the list provided by the director and is used to identify at-risk students for this required criterion.

(K) Is in the custody or care of the Department of Family and Protective 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;

EXIT CRITERIA: At the end of the current school year.

K1. Who are considered school officials?

Teachers and all school employees are considered professional reporters in Texas, required by law to report suspected child abuse or neglect immediately, but no later than 24 hours after the initial suspicions of abuse or neglect. You cannot delegate to or rely on another person to make the report (Texas Family Code § 261.101(b)). Failure to report suspected child abuse and neglect is a crime ([Texas Family Code § 261.109](#)).

K2. How did the recent passing in 2025 of SB 571 impact this criterion for school systems?

Texas SB 571, signed into law on June 21, 2025, significantly strengthens child abuse and misconduct reporting requirements for professionals, especially those working in schools and child-serving agencies.

Implications for Schools:

- All school personnel classified as professionals must be trained on the new 24-hour reporting rule.
- Districts should update policies and procedures to reflect SB 571 requirements.
- Principals and administrators are advised to review the full bill and ensure compliance across campuses.

For more information, refer to the [Texas Department of Family and Protective Services](#) webpage.

K3. If a Child Protective Services (CPS) worker is observed speaking with a student on campus, should the student be classified as at risk?

Not necessarily. Observation alone does not meet this criterion. A student is only classified as at risk under [TEC, Sec. 29.081\(d\)\(1\)\(L\)](#) if they are in DFPS custody or have been formally referred to DFPS by a qualifying authority.

K4. If a student is referred to the Department of Family and Protective Services (DFPS) but Child Protective Services (CPS) opts not to investigate, is the student considered at risk?

Yes, that meets the definition of the law being met because the student has been referred to the department by a school official.

K5. If a DFPS vehicle is seen at a student's residence, does this indicate the student should be classified as at risk?

No. The presence of a DFPS vehicle does not confirm custody or referral. Classification requires documented evidence of DFPS involvement as defined by [TEC, Sec. 29.081](#).

K6. If Child Protective Services (CPS) contacts the school about a student, but the referral did not come from school personnel, and the source of the referral is unknown, should the student be coded as "at risk"?

Do not automatically assume the student is at risk of dropping out. Instead, follow these four steps:

1. Clarify the reason for CPS involvement.
Ask whether the student is currently in the care of the Department of Family and Protective Services (DFPS) or if CPS is conducting an investigation.
2. If the student is in DFPS care:
Identify and code the student as at risk.
3. If CPS is investigating or providing social services:
Document the contact, but do not code the student as at risk unless additional criteria are met.

4. Determine the referral source:

If the student was referred to DFPS by a school official, a juvenile court officer, or law enforcement, then the student should be identified as at risk of dropping out.

K7. If someone other than a school official made a referral to DFPS, does the student meet the at-risk criterion?

No. The criterion specifically requires the referral to be made by a school official, juvenile court officer, or law enforcement official during the current school year.

K8. If a neighbor has reported repeated DFPS visits to a student's home, should the student be classified as at risk?

No. Third-party reports do not meet the threshold for classification. Only verified custody or qualifying referrals to DFPS meet the [TEC, Sec. 29.081\(d\)\(1\)\(L\)](#) criterion.

(L) Is homeless;

EXIT CRITERIA: At the end of the current school year

L1. If a student tells a teacher they are now living in a different home or have moved in with a relative, should the student be immediately removed from homeless classification?

No. A change in living arrangement does not automatically remove a student from homeless status. Under [TEC, Sec. 29.081](#) and the McKinney-Vento Homeless Assistance Act, eligibility must be determined based on the nature of the housing situation, not solely on the location or with whom the student resides. Always consult with the district's homeless liaison to verify a student's status and ensure compliance with federal and state guidelines.

(M) 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, cottage home operation, specialized child-care home, or general residential operation;

EXIT CRITERIA: A duration of two years (End of the second school year after placement)

M1. If our school system includes both a detention facility and a residential placement facility, should we identify these students as at-risk?

Yes. Under Texas Education Code (TEC) §29.081, students who reside in a residential placement facility, including a detention facility, are explicitly identified as "at risk of dropping out of school."

(N) 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;

EXIT CRITERIA: Students remain in this classification throughout their public education. The designation remains to ensure continued support.

N1. How are the terms "penal institution" and "incarcerated" interpreted in the definition of "at risk"?

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." TEA considers the term "incarcerated" in TEC, Sec. 29.081, to mean a 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.

N2. What are TEA's general guidelines for documenting a student at risk due to incarceration?

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 classified as 'at-risk' throughout their entire public-school education.

NOTE: Districts may legally request this information. Documentation must be maintained and may include a memo-to-file.

- *Memo-to-file details the sensitive information you gathered to maintain for documentary purposes.*
- *Conviction - having been declared guilty of a criminal offense by the verdict of a jury or by a judge's decision.*

N3. Does confinement in an Immigration and Customs Enforcement (ICE) facility meet the definition of incarceration under TEC §29.081 for purposes of identifying a student as at risk of dropping out of school?

No. The TEA interprets "incarcerated" in this context to mean conviction for a criminal offense followed by sentencing and confinement in a penal institution, as defined by Texas Penal Code §1.07(a)(37). ICE facilities are not classified as penal institutions under this definition; therefore, confinement in such facilities does not qualify a student for at-risk designation under [TEC §29.081](#).

(O) Is enrolled in a school district or open-enrollment charter school, or a campus of a school district or open-enrollment charter school, that is designated as a dropout recovery school under Section [39.0548](#);

EXIT CRITERIA: At the end of the current school year.

O1. What is the definition of a Dropout Recovery School (DRS)?

According to TEC §39.0548 and the 2025 Accountability Manual, a DRS is:

- A campus serving grades 9–12.
- Has at least 60% of enrolled students aged 16 or older as of September 1 (based on TSDS PEIMS fall data).
- Provides targeted education services for dropout prevention and recovery.
- Must meet Alternative Education Accountability (AEA) criteria.

O2. Is there a resource available that identifies school systems with dropout recovery schools?

Yes. The [2025 AEA Final Campus List](#) provides a comprehensive listing of campuses designated for dropout recovery. This resource is updated annually in late spring and can be accessed through the TEA webpage.

SB 991 The purpose of this section of the FAQ is to inform school systems about recent changes to the Texas Education Code (TEC) concerning students identified as at risk of dropping out of school, effective September 1, 2025.

Senate Bill 991, passed by the 89th Texas Legislature in 2025, amended [TEC, Sec. 29.081](#) to expand the definition of "students at risk of dropping out." The updated definition now includes:

- **Chronically absent students:** Those absent for more than 10% of instructional days during a school year or an enrollment period exceeding 30 instructional days.
- **Truant students:** Those with 10 or more unexcused absences (full or partial days) within a six-month period in the same school year.

(P) CHRONIC ABSENTEEISM

EXIT CRITERIA: This criterion applies solely to the current school year.

P1. What is Senate Bill 991, and why is it important?

Senate Bill 991, enacted during the 89th Texas Legislature, amends [TEC, Sec. 29.081\(d\)](#) to expand the definition of students considered “at risk of dropping out of school.” Specifically, it includes chronically absent students, defined as missing more than 10% of instructional days in a school year, and those who have committed truancy, meaning 10 or more unexcused absences within a six-month period.

This legislative change is significant because it ensures that students identified as chronically absent or truant are formally recognized as being at risk, thereby making them eligible for targeted support services such as tutoring, counseling, and accelerated instruction. Additionally, the bill mandates school systems to report data on these students through the Public Education Information Management System (PEIMS), enabling more effective monitoring and intervention strategies to improve educational outcomes.

P2. According to S.B. 991, which additional student attendance conditions now qualify a student as at risk of dropping out and require accelerated instruction under the Texas Education Code?

S.B. 991 amended the Education Code to include a chronically absent student and a student who is required to attend school, is not exempt from that requirement, and fails to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year among the students for which each public school district must provide accelerated instruction as a student at risk of dropping out of school.

P3. What is the definition of chronic absenteeism, and how is chronic absenteeism calculated?

Per [TEC, Sec. 29.081\(p\)](#), a student is considered *chronically absent* if they meet the definition outlined in [TEC, Sec. 48.009\(1\)](#).

Specifically, a *chronically absent student* is one who:

- Is absent for more than 10% of the school’s required operational and instructional days within a school year, or
- Is absent for more than 10% of an enrollment period that lasts more than 30 instructional days.

Key Clarification:

To be counted as chronically absent under this definition, the student’s enrollment period must exceed 30 instructional days.

Example Scenarios:

- Eligible: A student enrolls in your district during the second semester and attends for 70 instructional days. If the student is absent for 9 days, they meet the chronic absenteeism threshold ($9/70 = \sim 12.9\%$).
- Not Eligible: A student enrolls late in the school year and is only present for the remaining 29 instructional days. Even if they are absent for several days, this student does not meet the definition because the enrollment period is less than 30 instructional days.

P4. Do all types of absences count toward chronic absenteeism?

No. Only specific types of absences count toward chronic absenteeism. These include unexcused absences and locally excused absences that are not eligible for state funding. Absences that qualify for state funding under the 20 provisions listed in [Section 3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes in the Student Attendance Handbook](#) (SAAH) are not counted. These provisions address situations such as verified medical appointments, religious holy days, court appearances, college visits (within specified limits), and absences related to military deployment, among others.

P5. When should the school system identify this student as at-risk of dropping out of school?

The school system should identify a student as at risk of dropping out when it has sufficient documentation for the current school year (e.g., 2025–2026) showing that the student has missed more than 10% of instructional days. This determination is based on total absences, regardless of whether those absences are classified as excused or unexcused locally.

P6. Will this criterion be documented for elementary-level instruction, or will it apply only to secondary education?

The criterion does not specify grade level; therefore, it applies to all levels of instruction.

P7. If our campus does not receive a student's absence data from their previous school district, should we begin tracking absences from the student's first day of enrollment at our campus?

According to [TEC, Sec. 48.009](#), chronic absenteeism should be calculated starting from the student's first day of enrollment at your school. You do not need to obtain or include absence data from the student's previous district for the same school year. The 10% threshold for chronic absenteeism should be adjusted based on the number of instructional days remaining in the school year, provided that the student is enrolled for at least 30 instructional days.

P8. When a student enrolls in a Texas public school for the first time and arrives without any prior records—including attendance documentation- how should the school determine the official attendance start date?

Documentation should begin on the student's first day of attendance. For the 10% calculation, use the total number of school days remaining in the academic year from that date forward.

P9. How will student absences appear when broken down by class period? For instance, if a student has 25 unexcused absences in 1st period but only five absences in each of the other periods, how should we interpret that?

Under [TEC Sec. 48.009](#), as amended by SB 991, a "chronically absent student" means a student who is absent from school for more than 10 percent of the school's required operation and instructional time. Each class period counts toward the required operational and instructional time. As a result, absences accumulated in **any single period**—even if they occur in only one class—can cause a student to meet the definition of a *chronically absent student*.

P10. Should this be determined only by the designated attendance time used for school funding purposes?
No. Refer to FAQ 9.

P11. Do the absences have to be from the same class period (example: 18 days of we have 172 school days), or is it 18 days collectively from any class periods combined?

A student is considered absent if they miss more than 10% of the school's total operational and instructional time. This includes all scheduled periods throughout the school day, not just those counted for campus funding purposes.

P12. Should students who meet the criteria for chronic absenteeism be reported in Fall PEIMS and then updated throughout the year in our Student Information System?

Yes. Additionally, if a student becomes chronically absent after PEIMS data is submitted, it's essential to act quickly. Early identification and support can make a big difference in helping students stay on track.

P13. Are school systems required to review a student's information from the previous year to determine if the student meets this specific criterion for at-risk identification?

No. Please note that when reviewing the at-risk criteria, particularly the newly amended criteria labeled A through O, you will notice terms such as "previously reported" and "preceding school year" are included in certain criteria. This indicates that the district must consider past information when determining the current identification of at-risk students.

However, this requirement is not mentioned in the newly added criteria P through Q. Therefore, reviewing past information to identify these students is unnecessary.

P14. If our campus does not receive a student's absence data from their previous school district, should we begin tracking absences from the student's first day of enrollment at our campus?

Yes. In accordance with [TEC, Sec. 48.009](#), chronic absenteeism must be calculated beginning with the student's first day of enrollment at your campus. Absence data from the student's previous district within the same school year is

not required and should not be included in the calculation. The 10% threshold for identifying chronic absenteeism should be adjusted proportionally based on the number of instructional days remaining in the school year, if the student has been enrolled for at least 30 instructional days.

P15. If an elementary school student is frequently picked up early from school, could this affect their classification as a chronically absent student?

It may vary depending on the policies of the specific school district. Key factors include the time of early departure, whether it results in the student being marked absent for part of the day, and whether there is a formal agreement or understanding with school administration regarding early pickups. It's best to consult with the school's attendance office or administration to understand how early departures are recorded and whether they contribute to chronic absenteeism.

P16. Why are chronic absences counted?

Chronic absenteeism focuses on missed learning time, not just attendance codes. Here's why:

- Learning Loss Happens
Whether a student is sick or skipping class, they miss valuable instruction.
- Early Identification = Early Support
Tracking all absences helps schools identify students who may need help sooner.
- Equity Matters
Students facing health, transportation, or family challenges deserve timely support to stay on track.
- Accountability and Improvement
Schools are responsible for helping all students attend regularly and succeed.

P17. Under SB 991, if a student identified as chronically absent demonstrates no academic gaps and performs at or above grade level, is accelerated instruction still mandated, or does the statute allow districts to focus on prevention and engagement rather than remediation?

Yes. Most at-risk students will require direct, intensive support to address their needs. A smaller subset, who maintain strong academic performance, may only need periodic monitoring, parental communication, and counseling to sustain engagement. These interventions are intended to conclude at the end of the current school year.

P18. Is Saturday School Detention considered "accelerated instruction?"

No. Accelerated instruction involves providing targeted interventions that address academic gaps and enhance school engagement.

P19. How do we count absences for block schedules (A/B Days)?

Since a student only goes to a class every other day (where the instructional time is 90 minutes in a 4-period schedule instead of 45 minutes every day in an 8-period schedule), does an absence in a class period on "A" day or "B" day count as 2 absences since they only go every other day? If not, they would never have 172 days of instruction for that class; therefore, the 18 days for chronic absenteeism would not apply in the same way as schedules where students attend each class every day.

(Q) TRUANCY

EXIT CRITERIA: This criterion applies solely to the current school year.

Q1. What is the definition of truancy under SB 991?

Under Senate Bill 991, a truant student is defined as one who is legally required to attend school, is not exempt from compulsory attendance, and has unexcused absences for 10 or more days or parts of days within a six-month period during the same school year.

Q2. What is the criterion for truancy?

A student is truant after 10 or more unexcused absences within six months in the same school year.

Q3. How is the definition of truancy different from chronic absenteeism?

Under Senate Bill 991, truancy is distinct from chronic absenteeism and must be addressed separately. A student is considered truant if they meet the following criteria:

- Unexcused Absences Only: Truancy is based solely on unexcused absences. Excused absences do not count toward truancy.
- Undocumented Absences: Absences without proper documentation are generally considered unexcused unless verified according to local district policy.
- Truancy Threshold: A student is truant if they accumulate 10 or more unexcused full or partial-day absences within a six-month period during the same school year.
- Annual Reset: Truancy status is evaluated annually and resets each school year.

SUPPORTING CHRONICALLY ABSENT AND TRUANT STUDENTS

1. How can school systems effectively support chronically absent and truant students?

To ensure equitable access to education and improve student outcomes, schools are required to take specific actions for students identified as chronically absent or truant:

Required Actions:

- Accelerated Instruction: Schools must provide targeted, accelerated instruction to students who are chronically absent or truant to help them catch up academically and stay engaged.
- At-Risk Classification: These students must be included in the “at-risk of dropping out” category. This designation ensures they receive appropriate support services under [TEC, Sec. 29.081](#).

Reporting Requirements

Schools are responsible for reporting the following data:

- Student Counts: The number of chronically absent or truant students, disaggregated by campus and grade level.
- Service Status: Whether these students are currently receiving at-risk services as outlined in [TEC, Sec. 29.081](#).

By adhering to these requirements, school systems can better support vulnerable students and promote long-term academic success.

2. What are the reporting requirements, per SB 991?

Reporting Requirements

Schools are responsible for reporting the following data:

- Student Counts: The number of chronically absent or truant students, disaggregated by campus and grade level.
- Service Status: Whether these students are currently receiving at-risk services as outlined in [TEC, Sec. 29.081](#).

Specifically:

1. Chronically Absent Students

Districts must track and report:

- The number of chronically absent students enrolled at each campus.
- This data must be:
 - ☐ Reported in total, and
 - ☐ Disaggregated by whether the student is receiving instructional services under [TEC, Sec. 29.081](#) (i.e., compensatory, intensive, or accelerated instruction).

2. Truant Students

Districts must also track:

- The number of students who:
 - ☐ Are required to attend school,
 - ☐ Are not exempt from attendance,

- ☐ And have 10 or more unexcused absences (full or partial days) within a six-month period in the same school year.
- This data must be:
 - ☐ Reported in total, and
 - ☐ Disaggregated by whether the student is receiving at-risk instructional services.

3. Changes Made to the Compensatory Education Program

1. What changes were made by House Bill 2 (H.B. 2), passed during the 89th Texas Legislature, and became effective on September 1, 2025?

Changes:

- Previously, Texas law mandated that a minimum of 55% of SCE funds be used specifically for direct instructional services.
- This requirement aimed to ensure that 55% of these funds directly benefited students in the classroom. In some cases, this percentage proved to be too high a requirement, leaving large amounts of unused funds.

Under HB 2:

- The 55% spending requirement was removed, giving school districts greater flexibility in how school systems use Comp Ed funds. It is no longer mandatory to allocate a minimum of 55% of these funds to direct instruction.
- New Flexibility: Local Education Agencies will still receive Comp Ed funding, but they are no longer obligated to allocate a specific percentage, previously set at 55%, for certain interventions.
 - ☐ School systems now have increased budgetary flexibility, enabling them to develop targeted spending plans—while remaining accountable for addressing the specific needs of their student populations.
 - ☐ This policy change provides school systems with more flexibility to use these funds in ways that best support the unique needs of their at-risk students.

NEXT STEPS:

Districts are encouraged to review and revise their Comp Ed spending plans to align with the new guidelines.

- Review Local Spending Plans: Ensure the school system's use of Comp Ed funds continues to prioritize the needs of students identified at-risk, even without the 55% requirement.
[TEC, Sec. 29.081](#)
- Update Campus and District Improvement Plans: Align strategies with greater flexibility while upholding a commitment to serving students identified at-risk.
[TEC, Sections 11.251-11.253](#)
- Engage Stakeholders: Collaborate with campus leaders, teachers, and community members to ensure effectiveness in the use of these funds. [TEC, Sections 11.251 – 11.253](#)

2. What do these changes mean for school systems? Should we expect a reduction in Comp Ed funding? Are the submission of campus plans and evaluations still required?

Increased Flexibility:

- School systems can now design and implement strategies that more effectively support at-risk students, tailoring interventions to meet their specific needs without being limited by a fixed spending threshold.

Reduced Administrative Burden:

The repeal simplifies compliance and reporting requirements. As a result, several obligations are no longer necessary:

- Completion and maintenance of Schedule J-4 for compensatory education.

- Submitting campus improvement plans and local evaluation of SCE strategies, activities, and programs through the Texas Education Agency Login (TEAL).

No Reduction in Funding:

- The total amount of Comp Ed funding remains unchanged, ensuring continued support for students identified at-risk. [TEC, Sec. 48.104](#)

3. What are the priorities of implementation?

In accordance with [TEC, Section 29.081](#), school systems must implement targeted instructional strategies, including:

- Identification of students at risk of dropping out.
- Provision of compensatory, intensive, or accelerated instructional support.
- Delivery of accelerated instruction for students who fail end-of-course exams.
- Adequate budgeting and annual program evaluations, including public hearings.

Effective implementation of the Comp Ed program requires robust policies and procedures. These frameworks are essential for ensuring fidelity in service delivery and maximizing the impact of allocated resources. School systems should collaborate with campus leaders, educators, and community stakeholders to ensure the strategic use of Comp Ed funds.

Refer to [TEC, Sec. 11.251-11.253](#) for guidance on campus and district improvement planning.

4. Will the Program Intent Codes specific to the State Compensatory Education remain in effect?

Program Intent Codes (PIC) 24, 26, 28, 29, and 30 will remain available for use in the Financial Accountability System Resource Guide (FASRG) during fiscal years 2024–2025 and 2025–2026.

Beginning in fiscal year 2026–2027:

- PIC 26, 28, 29, and 30 will be removed from the FASRG.
- School systems are strongly encouraged to continue using PIC 24 internally for budgeting and tracking to maintain clarity and consistency in local documentation and reporting; however, the agency will consolidate the PIC 24-reported expenditures into PIC 11 for state reporting purposes and Public Education Information Management System (PEIMS) financial reports.

5. How is Program Intent Code 24 currently described in the Financial Accountability Resource Guide?

R24 Compensatory Education Services and Accelerated Instruction

This code is used for the costs incurred to provide compensatory education to identified at-risk and low socioeconomic status students.

- Compensatory education under [TEC, Sec. 29.081](#), provides supplemental programs and services for students identified as at risk of dropping out, including students from low socioeconomic backgrounds.
- These programs are designed to close achievement gaps through intensive or accelerated instruction, using performance data from STAAR/EOC and other assessments.
- The goal is to help students reach grade-level performance by the end of the next regular school term and improve graduation rates.
 - Compensatory Education (Comp Ed) funds can also be used on Title I, Part A schoolwide campuses to supplement federal Title I funds. At these campuses, all students may receive allowable supplemental services funded by Comp Ed, regardless of whether they meet state at-risk criteria. However, all programs must originate from a comprehensive needs assessment, be included in the campus or district improvement plan, and comply with statutory requirements for evaluation and public reporting. The goal is to reduce disparities in academic performance and high school completion rates among at-risk students compared to their peers.
 - Note: The use of PIC 24 is strongly encouraged but not required. When reporting expenditures in PIC 24 to TEA, the expenditures will automatically be rolled by PEIMS into PIC 11 for reporting purposes.

6. If a position is funded from the compensatory education allocation, should the funding source be noted in the job description as it was previously, and must it be signed to acknowledge this requirement?

No. With the new flexibility regarding Comp Ed funds, school systems now have more options in how they use these funds. It is no longer mandatory to allocate at least 55% of the funds to direct services and instruction. As a result, current job descriptions, funded from this allocation, do not require a signature for this purpose.

7. Does the repeal of [TEC, Sec. 48.104](#) mean that serving at-risk students has been discontinued?

No, TEC, Sec. 29.081 remains in effect; thus, serving at-risk students is still required. Additionally, school systems must continue to identify and serve students at risk of dropping out.

8. Our school system would like to continue using most of our Comp Ed funds to serve all our at-risk students. Is this permissible?

Yes. Although state-level funding requirements have been updated, districts continue to exercise local discretion in allocating Compensatory Education funds.

9. How are Compensatory Education funds calculated?

The funding is determined by applying a multiplier to the basic allotment, with the amount varying based on the individual circumstances of the students served.

Eligibility and Allotment Multipliers

1. Residential Placement Students:
 - Without disability and not residing with a parent/guardian in the district:
 - $0.2 \times$ basic allotment
 - If educationally disadvantaged:
 - $0.275 \times$ basic allotment
2. Pregnant Students in remedial/support programs (Sec. 29.081):
 - $2.41 \times$ basic allotment
3. Educationally Disadvantaged Students in Census Block Groups:
 - Allotment depends on the economic tier of the census block group:
 - Tier Weights:
 - Tier 1 (least disadvantaged): 0.225
 - Tier 2: 0.2375
 - Tier 3: 0.25
 - Tier 4: 0.2625
 - Tier 5 (most disadvantaged): 0.275
4. Insufficient Census Data:
 - Default allotment: $0.225 \times$ basic allotment
5. Homeless Students (as defined by federal law):
 - $0.275 \times$ basic allotment (highest tier weight)
6. Virtual Education Students:
 - Included in census block group counts if the district submits and receives approval for a plan detailing targeted services.

10. Where can a school system locate forms and guidelines to ensure accurate reporting and compliance with state funding requirements?

Refer to the Compensatory Education webpage at the [Comp Ed Website](#).

TEA provides a series of forms and guidelines to ensure accurate reporting and compliance with state funding requirements. These documents serve as essential tools for school districts and charter schools in managing compensatory education allotments and verifying student eligibility for programs tied to economic need.

- **Alternative Compensatory Education Allotment Reporting Procedures:** This document outlines the approved methods for reporting compensatory education data when standard procedures cannot be followed, ensuring districts remain compliant with state regulations.
- **Forms SF141R26 (English and Spanish):** These forms are used to collect household income information for determining eligibility under state and federal programs. Accurate completion of this form is critical for funding allocations and program participation.
- **Income Eligibility Guidelines:** These guidelines provide the income thresholds that determine student eligibility for free or reduced-price meal programs and other benefits, aligning with federal standards and state requirements.

Collectively, these resources enable districts to uphold transparency, comply with statutory requirements, and secure the necessary funding to support students with identified needs.

11. What is the methodology for funding for the Comp Ed allotment?

The legislative payment estimate (LPE) funding is based on census block groups reported as of the prior year's fall snapshot date for educationally disadvantaged students.

12. How is the Comp Ed funding for Community Eligibility Provision (CEP) students handled?

Before HB 3 in 2020, school districts and charter schools participating in CEP were required to follow the alternative reporting method described in [19 TAC §61.1027](#). This has not changed. Districts must collect information to identify if a student is educationally disadvantaged and qualifies for Comp Ed funding.

13. Do students currently in foster care generate Comp Ed funds?

Yes. This information is collected annually through the current SF141R26 forms (available in English and Spanish) and is used to calculate the Compensatory Education (Comp Ed) allocation.

- Under [TEC, Sec. 29.081](#), students in foster care are explicitly included in the statutory definition of "at risk of dropping out of school."
- Specifically, a student is considered at risk if they are in custody or care of the Department of Protective and Regulatory Services (DFPS) or have been referred to DFPS during the current school year, or if they reside in a residential placement facility such as a foster group home.