

BILL ANALYSIS

C.S.H.B. 1050

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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law requires that upon determination of need, a child may be placed in foster care within a certain amount of time. The Department of Protective Services is then required to place that child in the school district where the foster family resides. However, there is no time frame by which to place the child in school, and frequently, a child is not enrolled for weeks, and in some cases, longer. Experts in the field suggest that the impending trauma of foster care placement makes early school placement necessary because it provides a child with structure, familiarity and supervision.

C.S.H.B.1050 would require the department to enroll the child in the new school within three days of foster placement, unless the child has a physical or mental condition of a temporary and remedial nature that makes the child's attendance infeasible.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.113 which provides that if the department takes possession of a child under Chapter 262 during the school year, the department shall ensure that the child returns to school not later than the third day after the date the department takes possession of the child, unless the child has a physical or mental condition of a temporary and remedial nature that makes the child's attendance infeasible. If a child has a physical or mental condition of a temporary or remediable nature that makes the child's attendance in school infeasible, the department shall notify the school in writing that the child is unable to attend school, if the child's condition improves, the department shall ensure that the child returns to school immediately.

SECTION 2. Amends Section 25.002, Education Code, by adding Subsection (g) to provide that a school district shall accept a child for enrollment in a public school without documentation required by Subsection (a) if the Department of Protective and Regulatory Services has taken possession of the child under Chapter 262, Family Code. The department shall ensure that the documentation required is furnished to the school district not later than the 30th day after the date the child is enrolled in the school.

SECTION 3. This Act takes effect September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1050 modifies the original H.B.1050 by providing that if a child has a physical or mental condition of a temporary or remediable nature that makes the child's attendance in school infeasible, the department shall notify the school in writing that the child is unable to attend school, if the child's condition improves, the department shall ensure that the child returns to school immediately.

Additionally, C.S.H.B.1050 amends Sections 25.002, Education Code, by providing that a school district shall accept a child for enrollment in a public school without documentation required by Subsection (a) if the Department of Protective and Regulatory Services has taken possession of the child under Chapter 262, Family Code.