

BILL ANALYSIS

S.B. 939
By: Watson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Education Agency (TEA) collects data from all districts in Texas using the Public Education Information Management System (PEIMS). PEIMS encompasses all data requested and received by TEA about public education, including student demographic and academic performance, and personnel, financial, and organizational information. PEIMS collects information from Texas school districts using a list of data elements coded for unique attributes for students, but there is no code for foster children.

If TEA tracked foster children in PEIMS, it could provide aggregate data, including how many foster children are in special education and other services, the number of foster children within a school district, or the number of foster children subject to disciplinary action. TEA already codes children who fall within the definition of homeless or at-risk and are part of an educational program to ensure that they achieve academic success. Although TEA only takes a snapshot of Texas students during each year, which fails to fully track the transitory foster children population, PEIMS data is currently the best source of educational information for foster children.

S.B. 939 requires TEA and DFPS to enter into a memorandum of understanding regarding exchange of information for students in foster care.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 7, Education Code, by adding Section 7.029, as follows:

Sec. 7.029. MEMORANDUM OF UNDERSTANDING REGARDING EXCHANGE OF INFORMATION FOR STUDENTS IN FOSTER CARE. (a) Requires the Texas Education Agency (TEA) and the Department of Family and Protective Services (DFPS) to enter into a memorandum of understanding regarding the exchange of information as appropriate to facilitate DFPS's evaluation of educational outcomes of students in foster care. Requires that the memorandum of understanding require:

(1) DFPS to provide TEA each year with demographic information regarding individual students who during the preceding school year were in the conservatorship of DFPS following an adversarial hearing under Section 262.201 (Full Advisory Hearing; Findings of the Court), Family Code; and

(2) TEA, in a manner consistent with federal law, to provide DFPS with aggregate information regarding educational outcomes of students for whom TEA received demographic information under Subdivision (1).

(b) Provides that, for purposes of Subsection (a)(2), information regarding educational outcomes includes information relating to student academic

achievement, graduation rates, school attendance, disciplinary actions, and receipt of special education services.

(c) Authorizes DFPS to authorize TEA to provide education research centers established under Section 1.005 (Education Research Centers; Sharing Student Information) with demographic information regarding individual students received by TEA in accordance with Subsection (a)(1), as appropriate to allow the centers to perform additional analysis regarding educational outcomes of students in foster care. Requires that any use of information regarding individual students provided to a center under this subsection be approved by DFPS.

(d) Provides that nothing in this section can be construed to require TEA or DFPS to collect or maintain additional information regarding students in foster care or allow the release of information regarding an individual student in a manner not permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or another state or federal law.

SECTION 2. Requires TEA and DFPS to enter into the memorandum of understanding required by Section 7.029, Education Code, as added by this Act, not later than January 1, 2010.

SECTION 3. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.