BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, S.B. 939 requires TEA to track children in foster care through PEIMS. This bill requires the Department of Family and Protective Services to provide information to school districts or TEA as appropriate, to assist them in identifying children in foster care and provides explicit instructions on protecting the privacy of the children.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 42.006, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.006, Education Code, by adding Subsection (c-1), as follows:

> (c-1) Requires that the commissioner of education's (commissioner) rules ensure that the Public Education Information Management System (PEIMS) contains all information necessary to permit the Texas Education Agency (TEA) to track the performance of students placed in foster care. Requires the Department of Family and Protective Services (DFPS), as necessary to achieve that capability, to provide school districts or TEA, as appropriate, with information regarding the identity of students placed in foster care. Requires that information provided by DFPS under this subsection or contained in PEIMS regarding the specific identity of students in foster care is confidential, and the privacy of those students be protected in accordance with rules adopted by the commissioner.

SECTION 2. Effective date: upon passage or September 1, 2009.