

By: Watson

S.B. No. 939

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a memorandum of understanding between the Texas
3 Education Agency and the Department of Family and Protective
4 Services addressing exchange of information regarding students in
5 foster care.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter B, Chapter 7, Education Code, is
8 amended by adding Section 7.029 to read as follows:

9 Sec. 7.029. MEMORANDUM OF UNDERSTANDING REGARDING EXCHANGE
10 OF INFORMATION FOR STUDENTS IN FOSTER CARE. (a) The agency and the
11 Department of Family and Protective Services shall enter into a
12 memorandum of understanding regarding the exchange of information
13 as appropriate to facilitate the department's evaluation of
14 educational outcomes of students in foster care. The memorandum of
15 understanding must require:

16 (1) the department to provide the agency each year
17 with demographic information regarding individual students who
18 during the preceding school year were in the conservatorship of the
19 department following an adversarial hearing under Section 262.201,
20 Family Code; and

21 (2) the agency, in a manner consistent with federal
22 law, to provide the department with aggregate information regarding
23 educational outcomes of students for whom the agency received
24 demographic information under Subdivision (1).

1 (b) For purposes of Subsection (a)(2), information
2 regarding educational outcomes includes information relating to
3 student academic achievement, graduation rates, school attendance,
4 disciplinary actions, and receipt of special education services.

5 (c) The department may authorize the agency to provide
6 education research centers established under Section 1.005 with
7 demographic information regarding individual students received by
8 the agency in accordance with Subsection (a)(1), as appropriate to
9 allow the centers to perform additional analysis regarding
10 educational outcomes of students in foster care. Any use of
11 information regarding individual students provided to a center
12 under this subsection must be approved by the department.

13 (d) Nothing in this section may be construed to:

14 (1) require the agency or the department to collect or
15 maintain additional information regarding students in foster care;
16 or

17 (2) allow the release of information regarding an
18 individual student in a manner not permitted under the Family
19 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
20 1232g) or another state or federal law.

21 SECTION 2. The Texas Education Agency and the Department of
22 Family and Protective Services shall enter into the memorandum of
23 understanding required by Section 7.029, Education Code, as added
24 by this Act, not later than January 1, 2010.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.