

By: Patrick, et al.  
(Parker)

S.B. No. 1404

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to attendance at and completion of high school by students  
3 who are in the conservatorship of the Department of Family and  
4 Protective Services.

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

6 SECTION 1. Subsection (b), Section 25.007, Education Code,  
7 is amended to read as follows:

8 (b) In recognition of the challenges faced by students in  
9 substitute care, the agency shall assist the transition of  
10 substitute care students from one school to another by:

11 (1) ensuring that school records for a student in  
12 substitute care are transferred to the student's new school not  
13 later than the 14th day after the date the student begins enrollment  
14 at the school;

15 (2) developing systems to ease transition of a student  
16 in substitute care during the first two weeks of enrollment at a new  
17 school;

18 (3) developing procedures for awarding credit,  
19 including partial credit if appropriate, for course work, including  
20 electives, completed by a student in substitute care while enrolled  
21 at another school;

22 (4) promoting practices that facilitate access by a  
23 student in substitute care to extracurricular programs, summer  
24 programs, credit transfer services, electronic courses provided

1 under Chapter 30A, and after-school tutoring programs at nominal or  
2 no cost;

3 (5) establishing procedures to lessen the adverse  
4 impact of the movement of a student in substitute care to a new  
5 school;

6 (6) entering into a memorandum of understanding with  
7 the Department of Family and Protective Services regarding the  
8 exchange of information as appropriate to facilitate the transition  
9 of students in substitute care from one school to another;

10 (7) encouraging school districts and open-enrollment  
11 charter schools to provide services for a student in substitute  
12 care in transition when applying for admission to postsecondary  
13 study and when seeking sources of funding for postsecondary study;

14 (8) requiring school districts, campuses, and  
15 open-enrollment charter schools to accept a referral for special  
16 education services made for a student in substitute care by a school  
17 previously attended by the student; ~~and~~

18 (9) providing other assistance as identified by the  
19 agency;

20 (10) developing procedures for allowing a student in  
21 substitute care who was previously enrolled in a course required  
22 for graduation the opportunity, to the extent practicable, to  
23 complete the course, at no cost to the student, before the beginning  
24 of the next school year;

25 (11) ensuring that a student in substitute care who is  
26 not likely to receive a high school diploma before the fifth school  
27 year following the student's enrollment in grade nine, as

1 determined by the district, has the student's course credit accrual  
2 and personal graduation plan reviewed; and

3 (12) ensuring that a student in substitute care who is  
4 in grade 11 or 12 be provided information regarding tuition and fee  
5 exemptions under Section 54.366 for dual-credit or other courses  
6 provided by a public institution of higher education for which a  
7 high school student may earn joint high school and college credit.

8 SECTION 2. Subsection (b), Section 25.087, Education Code,  
9 is amended to read as follows:

10 (b) A school district shall excuse a student from attending  
11 school for:

12 (1) the following purposes, including travel for those  
13 purposes:

14 (A) observing religious holy days;

15 (B) attending a required court appearance;

16 (C) appearing at a governmental office to  
17 complete paperwork required in connection with the student's  
18 application for United States citizenship;

19 (D) taking part in a United States naturalization  
20 oath ceremony; ~~or~~

21 (E) serving as an election clerk; or

22 (F) if the student is in the conservatorship of  
23 the Department of Family and Protective Services, participating in  
24 an activity ordered by a court under Chapter 262 or 263, Family  
25 Code, provided that it is not practicable to schedule the  
26 participation outside of school hours; or

27 (2) a temporary absence resulting from health care

1 professionals if that student commences classes or returns to  
2 school on the same day of the appointment.

3 SECTION 3. Subsection (a), Section 28.0213, Education Code,  
4 is amended to read as follows:

5 (a) A school district shall offer an intensive program of  
6 instruction to a student who:

7 (1) does not perform satisfactorily on an assessment  
8 instrument administered under Subchapter B, Chapter 39; or

9 (2) is not likely to receive a high school diploma  
10 before the fifth school year following the student's enrollment in  
11 grade nine, as determined by the district.

12 SECTION 4. Section 28.025, Education Code, is amended by  
13 adding Subsection (i) to read as follows:

14 (i) If an 11th or 12th grade student in the conservatorship  
15 of the Department of Family and Protective Services transfers to a  
16 different school district and the student is ineligible to graduate  
17 from the district to which the student transfers, the district from  
18 which the student transferred shall award a diploma at the  
19 student's request, if the student meets the graduation requirements  
20 of the district from which the student transferred.

21 SECTION 5. This Act applies beginning with the 2013-2014  
22 school year.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.