

1-1 By: Patrick, Uresti S.B. No. 1404
1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
1-3 first time and referred to Committee on Education; March 27, 2013,
1-4 reported favorably by the following vote: Yeas 9, Nays 0;
1-5 March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Patrick	X		
1-9	Lucio	X		
1-10	Campbell	X		
1-11	Duncan	X		
1-12	Paxton	X		
1-13	Seliger	X		
1-14	Taylor	X		
1-15	Van de Putte	X		
1-16	West	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to attendance at and completion of high school by students
1-20 who are in the conservatorship of the Department of Family and
1-21 Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subsection (b), Section 25.007, Education Code,
1-24 is amended to read as follows:

1-25 (b) In recognition of the challenges faced by students in
1-26 substitute care, the agency shall assist the transition of
1-27 substitute care students from one school to another by:

1-28 (1) ensuring that school records for a student in
1-29 substitute care are transferred to the student's new school not
1-30 later than the 14th day after the date the student begins enrollment
1-31 at the school;

1-32 (2) developing systems to ease transition of a student
1-33 in substitute care during the first two weeks of enrollment at a new
1-34 school;

1-35 (3) developing procedures for awarding credit,
1-36 including partial credit if appropriate, for course work, including
1-37 electives, completed by a student in substitute care while enrolled
1-38 at another school;

1-39 (4) promoting practices that facilitate access by a
1-40 student in substitute care to extracurricular programs, summer
1-41 programs, credit transfer services, electronic courses provided
1-42 under Chapter 30A, and after-school tutoring programs at nominal or
1-43 no cost;

1-44 (5) establishing procedures to lessen the adverse
1-45 impact of the movement of a student in substitute care to a new
1-46 school;

1-47 (6) entering into a memorandum of understanding with
1-48 the Department of Family and Protective Services regarding the
1-49 exchange of information as appropriate to facilitate the transition
1-50 of students in substitute care from one school to another;

1-51 (7) encouraging school districts and open-enrollment
1-52 charter schools to provide services for a student in substitute
1-53 care in transition when applying for admission to postsecondary
1-54 study and when seeking sources of funding for postsecondary study;

1-55 (8) requiring school districts, campuses, and
1-56 open-enrollment charter schools to accept a referral for special
1-57 education services made for a student in substitute care by a school
1-58 previously attended by the student; ~~and~~

1-59 (9) providing other assistance as identified by the
1-60 agency;

1-61 (10) developing procedures for allowing a student in

2-1 substitute care who was previously enrolled in a course required
2-2 for graduation the opportunity, to the extent practicable, to
2-3 complete the course, at no cost to the student, before the beginning
2-4 of the next school year;

2-5 (11) ensuring that a student in substitute care who is
2-6 not likely to receive a high school diploma before the fifth school
2-7 year following the student's enrollment in grade nine, as
2-8 determined by the district, has the student's course credit accrual
2-9 and personal graduation plan reviewed; and

2-10 (12) ensuring that a student in substitute care who is
2-11 in grade 11 or 12 be provided information regarding tuition and fee
2-12 exemptions under Section 54.366 for dual-credit or other courses
2-13 provided by a public institution of higher education for which a
2-14 high school student may earn joint high school and college credit.

2-15 SECTION 2. Subsection (b), Section 25.087, Education Code,
2-16 is amended to read as follows:

2-17 (b) A school district shall excuse a student from attending
2-18 school for:

2-19 (1) the following purposes, including travel for those
2-20 purposes:

2-21 (A) observing religious holy days;

2-22 (B) attending a required court appearance;

2-23 (C) appearing at a governmental office to
2-24 complete paperwork required in connection with the student's
2-25 application for United States citizenship;

2-26 (D) taking part in a United States naturalization
2-27 oath ceremony; ~~or~~

2-28 (E) serving as an election clerk; or

2-29 (F) if the student is in the conservatorship of
2-30 the Department of Family and Protective Services, participating in
2-31 an activity ordered by a court under Chapter 262 or 263, Family
2-32 Code, provided that it is not practicable to schedule the
2-33 participation outside of school hours; or

2-34 (2) a temporary absence resulting from health care
2-35 professionals if that student commences classes or returns to
2-36 school on the same day of the appointment.

2-37 SECTION 3. Subsection (a), Section 28.0213, Education Code,
2-38 is amended to read as follows:

2-39 (a) A school district shall offer an intensive program of
2-40 instruction to a student who:

2-41 (1) does not perform satisfactorily on an assessment
2-42 instrument administered under Subchapter B, Chapter 39; or

2-43 (2) is not likely to receive a high school diploma
2-44 before the fifth school year following the student's enrollment in
2-45 grade nine, as determined by the district.

2-46 SECTION 4. Section 28.025, Education Code, is amended by
2-47 adding Subsection (i) to read as follows:

2-48 (i) If an 11th or 12th grade student in the conservatorship
2-49 of the Department of Family and Protective Services transfers to a
2-50 different school district and the student is ineligible to graduate
2-51 from the district to which the student transfers, the district from
2-52 which the student transferred shall award a diploma at the
2-53 student's request, if the student meets the graduation requirements
2-54 of the district from which the student transferred.

2-55 SECTION 5. This Act applies beginning with the 2013-2014
2-56 school year.

2-57 SECTION 6. This Act takes effect immediately if it receives
2-58 a vote of two-thirds of all the members elected to each house, as
2-59 provided by Section 39, Article III, Texas Constitution. If this
2-60 Act does not receive the vote necessary for immediate effect, this
2-61 Act takes effect September 1, 2013.

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