

BILL ANALYSIS

C.S.H.B. 2799
By: Stickland
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the foster family retention rate is low in part because the families often feel they have limited input in the child's future. According to the parties, the Department of Family and Protective Services currently requires foster children between the ages of 5 and 21 to be enrolled in an accredited public or private school. The parties suggest that the right to educate a foster child in a home setting is rarely granted, which makes it difficult for families who prefer such education to participate as a foster family. C.S.H.B. 2799 seeks to ensure that home-school education is an option for foster families when choosing the educational direction for children in their care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2799 amends the Family Code to require the Department of Family and Protective Services (DFPS), on request of a person providing substitute care for a child who is in the managing conservatorship of DFPS, to allow the person to provide the child with an education in a home setting unless the right of DFPS to allow the education of the child in a home setting has been specifically limited by court order; a court at a hearing conducted to review the placement of the child finds, on good cause shown through evidence presented by DFPS in accordance with the applicable provisions in the DFPS child protective services handbook (CPS August 2013), that education in the home setting is not in the best interest of the child; or DFPS determines that federal law requires another school setting.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2799 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0045 to read as follows:

Sec. 263.0045. EDUCATION IN HOME SETTING FOR FOSTER CHILDREN. On request of a person providing substitute care for a child who is in the managing conservatorship of the department, the department shall allow the person to provide the child with an education in a home setting unless:

(1) the right of the department to allow the education of the child in a home setting has been specifically limited by court order;

(2) a court at a hearing conducted under this chapter finds, on good cause shown through evidence presented by the department, that education in the home setting is not in the best interest of the child; or

(3) the department determines that federal law requires another school setting.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0045 to read as follows:

Sec. 263.0045. EDUCATION IN HOME SETTING FOR FOSTER CHILDREN. On request of a person providing substitute care for a child who is in the managing conservatorship of the department, the department shall allow the person to provide the child with an education in a home setting unless:

(1) the right of the department to allow the education of the child in a home setting has been specifically limited by court order;

(2) a court at a hearing conducted under this chapter finds, on good cause shown through evidence presented by the department in accordance with the applicable provisions in the department's child protective services handbook (CPS August 2013), that education in the home setting is not in the best interest of the child; or

(3) the department determines that federal law requires another school setting.

SECTION 2. Same as introduced version.