

By: Farney

H.B. No. 3748

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the coordination of educational support services for  
3 and information regarding students who are currently or were  
4 formerly placed in foster care.

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

6 SECTION 1. Section 25.007(b), Education Code, as amended by  
7 Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd  
8 Legislature, Regular Session, 2013, is reenacted and amended to  
9 read as follows:

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

13 (1) ensuring that school records for a student in  
14 substitute care are transferred to the student's new school not  
15 later than the 10th working day after the date the student begins  
16 enrollment at the school;

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

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

24 (4) promoting practices that facilitate access by a

1 student in substitute care to extracurricular programs, summer  
2 programs, credit transfer services, electronic courses provided  
3 under Chapter 30A, and after-school tutoring programs at nominal or  
4 no cost;

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

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

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

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

20 (9) requiring school districts to provide notice to  
21 the child's educational decision-maker and caseworker regarding  
22 events that may significantly impact the education of a child,  
23 including:

24 (A) requests or referrals for an evaluation under  
25 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or  
26 special education under Section 29.003;

27 (B) admission, review, and dismissal committee

1 meetings;

2 (C) manifestation determination reviews required  
3 by Section 37.004(b);

4 (D) any disciplinary actions under Chapter 37 for  
5 which parental notice is required;

6 (E) citations issued for Class C misdemeanor  
7 offenses on school property or at school-sponsored activities;

8 (F) reports of restraint and seclusion required  
9 by Section 37.0021; and

10 (G) use of corporal punishment as provided by  
11 Section 37.0011; ~~and~~

12 (10) developing procedures for allowing a student in  
13 substitute care who was previously enrolled in a course required  
14 for graduation the opportunity, to the extent practicable, to  
15 complete the course, at no cost to the student, before the beginning  
16 of the next school year;

17 (11) ensuring that a student in substitute care who is  
18 not likely to receive a high school diploma before the fifth school  
19 year following the student's enrollment in grade nine, as  
20 determined by the district, has the student's course credit accrual  
21 and personal graduation plan reviewed; ~~and~~

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

27 (13) designating at least one agency employee to act

1 as a liaison officer regarding educational issues related to  
2 students in the conservatorship of the Department of Family and  
3 Protective Services; and

4 (14) [~~10~~] providing other assistance as identified  
5 by the agency.

6 SECTION 2. Subchapter Z, Chapter 51, Education Code, is  
7 amended by adding Section 51.9356 to read as follows:

8 Sec. 51.9356. DESIGNATION OF LIAISON OFFICER TO ASSIST  
9 STUDENTS FORMERLY IN FOSTER CARE. (a) In this section,  
10 "institution of higher education" has the meaning assigned by  
11 Section 61.003.

12 (b) Each institution of higher education shall designate at  
13 least one employee of the institution to act as a liaison officer  
14 for current and incoming students at the institution who were  
15 formerly in the conservatorship of the Department of Family and  
16 Protective Services. The liaison officer shall provide to those  
17 students information regarding support services and other  
18 resources available to the students at the institution and any  
19 other relevant information to assist the students.

20 SECTION 3. Subchapter C, Chapter 61, Education Code, is  
21 amended by adding Sections 61.0908 and 61.0909 to read as follows:

22 Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST  
23 STUDENTS FORMERLY IN FOSTER CARE. The board shall designate at  
24 least one employee of the board to act as a liaison officer for  
25 current and incoming students at institutions of higher education  
26 who were formerly in the conservatorship of the Department of  
27 Family and Protective Services. The liaison officer shall assist

1 in coordinating college readiness and student success efforts  
2 relating to those students.

3 Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING  
4 EXCHANGE OF INFORMATION FOR STUDENTS FORMERLY IN FOSTER CARE. (a)  
5 In this section, "department" means the Department of Family and  
6 Protective Services.

7 (b) The board and the department shall enter into a  
8 memorandum of understanding regarding the exchange of information  
9 as appropriate to facilitate the department's evaluation of  
10 educational outcomes of students at institutions of higher  
11 education who were formerly in the conservatorship of the  
12 department. The memorandum of understanding must require:

13 (1) the department to provide the board each year with  
14 demographic information regarding individual students enrolled at  
15 institutions of higher education who were formerly in the  
16 conservatorship of the department following an adversarial hearing  
17 under Section [262.201](#), Family Code; and

18 (2) the board, in a manner consistent with federal  
19 law, to provide the department with aggregate information  
20 regarding educational outcomes of students for whom the board  
21 received demographic information under Subdivision (1).

22 (c) For purposes of Subsection (b)(2), information  
23 regarding educational outcomes includes information relating to  
24 student academic achievement, graduation rates, attendance, and  
25 other educational outcomes as determined by the board and the  
26 department.

27 (d) The department may authorize the board to provide

1 education research centers established under Section 1.005 with  
2 demographic information regarding individual students received by  
3 the board in accordance with Subsection (b)(1), as appropriate to  
4 allow the centers to perform additional analysis regarding  
5 educational outcomes of students in foster care. Any use of  
6 information regarding individual students provided to a center  
7 under this subsection must be approved by the department.

8 (e) Nothing in this section may be construed to:

9 (1) require the board or the department to collect or  
10 maintain additional information regarding students formerly in the  
11 conservatorship of the department; or

12 (2) allow the release of information regarding an  
13 individual student in a manner not permitted under the Family  
14 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section  
15 1232g) or another state or federal law.

16 SECTION 4. The Texas Higher Education Coordinating Board  
17 and the Department of Family and Protective Services shall enter  
18 into the memorandum of understanding required by Section 61.0909,  
19 Education Code, as added by this Act, not later than January 1,  
20 2016.

21 SECTION 5. To the extent of any conflict, this Act prevails  
22 over another Act of the 84th Legislature, Regular Session, 2015,  
23 relating to nonsubstantive additions to and corrections in enacted  
24 codes.

25 SECTION 6. 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, 2015.