

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.