

By: González of El Paso

H.B. No. 99

A BILL TO BE ENTITLED

AN ACT

1
2 relating to measures to assist students enrolled at public
3 institutions of higher education who are homeless or who were
4 formerly in foster care.

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

6 SECTION 1. Section 51.9356, Education Code, is amended to
7 read as follows:

8 Sec. 51.9356. DESIGNATION OF LIAISON OFFICER TO ASSIST
9 STUDENTS WHO WERE FORMERLY IN FOSTER CARE OR WHO ARE HOMELESS. (a)
10 In this section:

11 (1) "Institution" [~~,"institution"~~] of higher education"
12 has the meaning assigned by Section 61.003.

13 (2) "Students who are homeless" has the meaning
14 assigned to the term "homeless children and youths" under 42 U.S.C.
15 Section 11434a and includes students who reside in a student
16 housing facility maintained by an institution of higher education
17 during an academic term but who are homeless between academic
18 terms.

19 (b) Each institution of higher education shall designate at
20 least one employee of the institution to act as a liaison officer
21 for current and incoming:

22 (1) students [~~at the institution~~] who were formerly in
23 the conservatorship of the Department of Family and Protective
24 Services; and

1 (2) students who are homeless.

2 (c) The liaison officer shall:

3 (1) contact a person designated under 42 U.S.C.
4 Section 11432(g)(1)(J)(ii) as necessary to facilitate the
5 transition of students described by Subsection (b) from secondary
6 to postsecondary education; and

7 (2) provide to those students information regarding
8 support services and other resources available to the students at
9 the institution of higher education, including information about
10 financial aid, on-campus and off-campus housing, food and meal
11 programs, counseling services, and any other relevant information
12 to assist the students.

13 (d) The board shall adopt rules and establish policies and
14 procedures to ensure that a liaison officer designated under this
15 section to serve students who are homeless participates in a
16 professional development program under 42 U.S.C. Section
17 11432(d)(5).

18 SECTION 2. The heading to Section 51.978, Education Code,
19 is amended to read as follows:

20 Sec. 51.978. TEMPORARY HOUSING BETWEEN ACADEMIC TERMS FOR
21 CERTAIN STUDENTS WHO WERE FORMERLY UNDER CONSERVATORSHIP OF
22 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES OR WHO ARE HOMELESS.

23 SECTION 3. Section 51.978(a), Education Code, is amended by
24 adding Subdivision (3) to read as follows:

25 (3) "Students who are homeless" has the meaning
26 assigned to the term "homeless children and youths" under 42 U.S.C.
27 Section 11434a and includes students who reside in a student

1 housing facility maintained by an institution of higher education
2 during an academic term but who are homeless between academic
3 terms.

4 SECTION 4. Section 51.978(b), Education Code, is amended to
5 read as follows:

6 (b) To be eligible to receive housing assistance from an
7 institution of higher education under Subsection (c), a student
8 must:

9 (1) be:

10 (A) a student who has [~~have~~] been under the
11 conservatorship of the Department of Family and Protective Services
12 or its predecessor in function on the day preceding:

13 (i) [~~(A)~~] the student's 18th birthday; or

14 (ii) [~~(B)~~] the date the student's
15 disabilities of minority are removed by a court under Chapter 31,
16 Family Code; or

17 (B) a student who is homeless;

18 (2) be enrolled full-time at the institution during
19 the academic term:

20 (A) for which the student requests the housing
21 assistance; or

22 (B) immediately preceding the period for which
23 the student requests the housing assistance;

24 (3) be registered or otherwise have taken the actions
25 required by the institution to permit the student to enroll
26 full-time at the institution during the academic term immediately
27 following the period for which the student requests the housing

1 assistance; and

2 (4) lack other reasonable temporary housing
3 alternatives between the academic terms described by Subdivisions
4 (2) and (3), as determined by the institution.

5 SECTION 5. Subchapter Z, Chapter 51, Education Code, is
6 amended by adding Section 51.9781 to read as follows:

7 Sec. 51.9781. PRIORITY ACCESS TO STUDENT HOUSING FOR
8 STUDENTS WHO ARE HOMELESS. (a) In this section:

9 (1) "Institution of higher education" has the meaning
10 assigned by Section 61.003.

11 (2) "Students who are homeless" has the meaning
12 assigned to the term "homeless children and youths" under 42 U.S.C.
13 Section 11434a and includes students who reside in a student
14 housing facility maintained by an institution of higher education
15 during an academic term but who are homeless between academic
16 terms.

17 (b) An institution of higher education that maintains
18 student housing facilities shall give priority in the assignment of
19 housing in those facilities to students who are homeless.

20 SECTION 6. Section 61.0908, Education Code, is amended to
21 read as follows:

22 Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST
23 STUDENTS WHO WERE FORMERLY IN FOSTER CARE OR WHO ARE HOMELESS. (a)
24 In this section, "students who are homeless" has the meaning
25 assigned to the term "homeless children and youths" under 42 U.S.C.
26 Section 11434a and includes students who reside in a student
27 housing facility maintained by an institution of higher education

1 during an academic term but who are homeless between academic
2 terms.

3 (b) The board shall designate at least one employee of the
4 board to act as a liaison officer for the following current and
5 incoming students at institutions of higher education:

6 (1) students who were formerly in the conservatorship
7 of the Department of Family and Protective Services; and

8 (2) students who are homeless.

9 (c) The liaison officer shall assist in coordinating
10 college readiness and student success efforts relating to [~~those~~]
11 students described by Subsection (b).

12 (d) The board shall establish policies and procedures to
13 ensure that a liaison officer designated under this section to
14 serve students who are homeless participates in a professional
15 development program under 42 U.S.C. Section 11432(d)(5).

16 SECTION 7. Section 61.0909, Education Code, is amended to
17 read as follows:

18 Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING
19 EXCHANGE OF INFORMATION FOR STUDENTS FORMERLY IN FOSTER CARE OR WHO
20 ARE HOMELESS. (a) In this section:

21 (1) "Agency" means the Texas Education Agency.

22 (2) "Department" [~~,"department"]~~ means the
23 Department of Family and Protective Services.

24 (3) "Students who are homeless" has the meaning
25 assigned to the term "homeless children and youths" under 42 U.S.C.
26 Section 11434a and includes students who reside in a student
27 housing facility maintained by an institution of higher education

1 during an academic term but who are homeless between academic
2 terms.

3 (b) The board, the agency, and the department shall enter
4 into a memorandum of understanding regarding the exchange of
5 information as appropriate to facilitate:

6 (1) the department's evaluation of educational
7 outcomes of students at institutions of higher education who were
8 formerly in the conservatorship of the department; and

9 (2) the agency's evaluation of educational outcomes at
10 institutions of higher education of students who are homeless.

11 (b-1) The memorandum of understanding must require:

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

17 (2) the agency to provide the board each year with
18 demographic information regarding individual students who are
19 homeless and who are enrolled at an institution of higher
20 education; and

21 (3) (2) the board, in a manner consistent with
22 federal law, to provide:

23 (A) the department with aggregate
24 information regarding educational outcomes of students for whom
25 the board received demographic information under Subdivision (1);
26 and

27 (B) the agency with aggregate information

1 regarding educational outcomes of students for whom the board
2 received demographic information under Subdivision (2).

3 (c) For purposes of Subsection (b-1)(3) [~~(b)(2)~~],
4 information regarding educational outcomes includes information
5 relating to student academic achievement, graduation rates,
6 attendance, and other educational outcomes as determined by the
7 board, the agency, and the department.

8 (d) The department or the agency may authorize the board to
9 provide education research centers established under Section 1.005
10 with demographic information regarding individual students
11 received by the board in accordance with Subsection (b-1)(3)
12 [~~(b)(1)~~], as appropriate to allow the centers to perform additional
13 analysis regarding educational outcomes of students who were
14 formerly in the conservatorship of the department and of students
15 who are homeless [~~foster care~~]. Any use of information regarding
16 individual students provided to a center under this subsection must
17 be approved by the department or the agency, as applicable.

18 (e) This [~~Nothing in this~~] section may not be construed to:

19 (1) require the board, the agency, or the department
20 to collect or maintain additional information regarding students
21 formerly in the conservatorship of the department or students who
22 are homeless; or

23 (2) allow the release of information regarding an
24 individual student in a manner not permitted under the Family
25 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section
26 1232g) or another state or federal law.

27 SECTION 8. (a) As soon as practicable after the effective

1 date of this Act, the Texas Higher Education Coordinating Board
2 shall adopt rules and establish policies and procedures as required
3 by Section 51.9356, Education Code, as amended by this Act.

4 (b) As soon as practicable after the effective date of this
5 Act, the Texas Higher Education Coordinating Board shall establish
6 policies and procedures as required by Section 61.0908, Education
7 Code, as amended by this Act.

8 (c) Not later than January 1, 2020, the Texas Higher
9 Education Coordinating Board shall designate a liaison officer as
10 required by Section 61.0908, Education Code, as amended by this
11 Act.

12 (d) Not later than March 1, 2020, the Texas Higher Education
13 Coordinating Board, the Department of Family and Protective
14 Services, and the Texas Education Agency shall enter into the
15 memorandum of understanding as required by Section 61.0909,
16 Education Code, as amended by this Act.

17 SECTION 9. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2019.