

AN ACT

relating to the appointment of a surrogate parent for certain children in the conservatorship of the Department of Family and Protective Services.

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

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

(b) In recognition of the challenges faced by students who are homeless or in substitute care, the agency shall assist the transition of students who are homeless or in substitute care from one school to another by:

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

(2) developing systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school;

(3) developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;

(4) developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement

1 in courses or educational programs of a student who is homeless or
2 in substitute care and places the student in comparable courses or
3 educational programs at the new school, if those courses or
4 programs are available;

5 (5) promoting practices that facilitate access by a
6 student who is homeless or in substitute care to extracurricular
7 programs, summer programs, credit transfer services, electronic
8 courses provided under Chapter 30A, and after-school tutoring
9 programs at nominal or no cost;

10 (6) establishing procedures to lessen the adverse
11 impact of the movement of a student who is homeless or in substitute
12 care to a new school;

13 (7) entering into a memorandum of understanding with
14 the Department of Family and Protective Services regarding the
15 exchange of information as appropriate to facilitate the transition
16 of students in substitute care from one school to another;

17 (8) encouraging school districts and open-enrollment
18 charter schools to provide services for a student who is homeless or
19 in substitute care in transition when applying for admission to
20 postsecondary study and when seeking sources of funding for
21 postsecondary study;

22 (9) requiring school districts, campuses, and
23 open-enrollment charter schools to accept a referral for special
24 education services made for a student who is homeless or in
25 substitute care by a school previously attended by the student, and
26 to provide comparable services to the student during the referral
27 process or until the new school develops an individualized

1 education program for the student;

2 (10) requiring school districts, campuses, and
3 open-enrollment charter schools to provide notice to the child's
4 educational decision-maker and caseworker regarding events that
5 may significantly impact the education of a child, including:

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

9 (B) admission, review, and dismissal committee
10 meetings;

11 (C) manifestation determination reviews required
12 by Section 37.004(b);

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

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

17 (F) reports of restraint and seclusion required
18 by Section 37.0021; ~~and~~

19 (G) use of corporal punishment as provided by
20 Section 37.0011; and

21 (H) appointment of a surrogate parent for the
22 child under Section 29.0151;

23 (11) developing procedures for allowing a student who
24 is homeless or in substitute care who was previously enrolled in a
25 course required for graduation the opportunity, to the extent
26 practicable, to complete the course, at no cost to the student,
27 before the beginning of the next school year;

1 (12) ensuring that a student who is homeless or in
2 substitute care who is not likely to receive a high school diploma
3 before the fifth school year following the student's enrollment in
4 grade nine, as determined by the district, has the student's course
5 credit accrual and personal graduation plan reviewed;

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

11 (14) designating at least one agency employee to act
12 as a liaison officer regarding educational issues related to
13 students in the conservatorship of the Department of Family and
14 Protective Services; and

15 (15) providing other assistance as identified by the
16 agency.

17 SECTION 2. Section 29.0151, Education Code, is amended by
18 amending Subsections (c), (f), and (g) and adding Subsection (e-1)
19 to read as follows:

20 (c) A surrogate parent appointed by a school district may
21 not:

22 (1) be an employee of the agency [~~state~~], the school
23 district, or any other agency involved in the education or care of
24 the child; or

25 (2) have any interest that conflicts with the
26 interests of the child.

27 (e-1) As soon as practicable after appointing a surrogate

1 parent under this section, a school district shall provide written
2 notice of the appointment to the child's educational decision-maker
3 and caseworker as required under Section 25.007(b)(10)(H).

4 (f) If a court appoints a surrogate parent for a child with a
5 disability under Section 263.0025, Family Code, and the school
6 district determines that the surrogate parent [~~is failing to~~
7 ~~perform or~~] is not properly performing the duties listed under
8 Subsection (d), the district shall consult with the Department of
9 Family and Protective Services regarding whether [~~and appoint~~]
10 another person should be appointed to serve as the surrogate parent
11 for the child.

12 (g) On receiving notice from a school district under
13 Subsection (f), if the Department of Family and Protective Services
14 agrees with the district that [~~must promptly notify the court of the~~
15 ~~failure of~~] the appointed surrogate parent is unable or unwilling
16 to properly perform the duties required under this section:

17 (1) the department shall promptly notify the court of
18 the agreement; and

19 (2) as soon as practicable after receiving notice
20 under Subdivision (1), the court shall:

21 (A) review the appointment; and

22 (B) enter any orders necessary to ensure the
23 child has a surrogate parent who performs the duties required under
24 this section.

25 SECTION 3. 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

H.B. No. 1709

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1709 was passed by the House on April 10, 2019, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1709 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor