

1-1 By: González of El Paso, Frank H.B. No. 1709
 1-2 (Senate Sponsor - Menéndez)
 1-3 (In the Senate - Received from the House April 11, 2019;
 1-4 April 15, 2019, read first time and referred to Committee on Health
 1-5 & Human Services; May 20, 2019, reported favorably by the following
 1-6 vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the appointment of a surrogate parent for certain
 1-21 children in the conservatorship of the Department of Family and
 1-22 Protective Services.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 25.007(b), Education Code, is amended to
 1-25 read as follows:

1-26 (b) In recognition of the challenges faced by students who
 1-27 are homeless or in substitute care, the agency shall assist the
 1-28 transition of students who are homeless or in substitute care from
 1-29 one school to another by:

1-30 (1) ensuring that school records for a student who is
 1-31 homeless or in substitute care are transferred to the student's new
 1-32 school not later than the 10th working day after the date the
 1-33 student begins enrollment at the school;

1-34 (2) developing systems to ease transition of a student
 1-35 who is homeless or in substitute care during the first two weeks of
 1-36 enrollment at a new school;

1-37 (3) developing procedures for awarding credit,
 1-38 including partial credit if appropriate, for course work, including
 1-39 electives, completed by a student who is homeless or in substitute
 1-40 care while enrolled at another school;

1-41 (4) developing procedures to ensure that a new school
 1-42 relies on decisions made by the previous school regarding placement
 1-43 in courses or educational programs of a student who is homeless or
 1-44 in substitute care and places the student in comparable courses or
 1-45 educational programs at the new school, if those courses or
 1-46 programs are available;

1-47 (5) promoting practices that facilitate access by a
 1-48 student who is homeless or in substitute care to extracurricular
 1-49 programs, summer programs, credit transfer services, electronic
 1-50 courses provided under Chapter 30A, and after-school tutoring
 1-51 programs at nominal or no cost;

1-52 (6) establishing procedures to lessen the adverse
 1-53 impact of the movement of a student who is homeless or in substitute
 1-54 care to a new school;

1-55 (7) entering into a memorandum of understanding with
 1-56 the Department of Family and Protective Services regarding the
 1-57 exchange of information as appropriate to facilitate the transition
 1-58 of students in substitute care from one school to another;

1-59 (8) encouraging school districts and open-enrollment
 1-60 charter schools to provide services for a student who is homeless or
 1-61 in substitute care in transition when applying for admission to

2-1 postsecondary study and when seeking sources of funding for
 2-2 postsecondary study;

2-3 (9) requiring school districts, campuses, and
 2-4 open-enrollment charter schools to accept a referral for special
 2-5 education services made for a student who is homeless or in
 2-6 substitute care by a school previously attended by the student, and
 2-7 to provide comparable services to the student during the referral
 2-8 process or until the new school develops an individualized
 2-9 education program for the student;

2-10 (10) requiring school districts, campuses, and
 2-11 open-enrollment charter schools to provide notice to the child's
 2-12 educational decision-maker and caseworker regarding events that
 2-13 may significantly impact the education of a child, including:

2-14 (A) requests or referrals for an evaluation under
 2-15 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
 2-16 special education under Section 29.003;

2-17 (B) admission, review, and dismissal committee
 2-18 meetings;

2-19 (C) manifestation determination reviews required
 2-20 by Section 37.004(b);

2-21 (D) any disciplinary actions under Chapter 37 for
 2-22 which parental notice is required;

2-23 (E) citations issued for Class C misdemeanor
 2-24 offenses on school property or at school-sponsored activities;

2-25 (F) reports of restraint and seclusion required
 2-26 by Section 37.0021; ~~and~~

2-27 (G) use of corporal punishment as provided by
 2-28 Section 37.0011; and

2-29 (H) appointment of a surrogate parent for the
 2-30 child under Section 29.0151;

2-31 (11) developing procedures for allowing a student who
 2-32 is homeless or in substitute care who was previously enrolled in a
 2-33 course required for graduation the opportunity, to the extent
 2-34 practicable, to complete the course, at no cost to the student,
 2-35 before the beginning of the next school year;

2-36 (12) ensuring that a student who is homeless or in
 2-37 substitute care who is not likely to receive a high school diploma
 2-38 before the fifth school year following the student's enrollment in
 2-39 grade nine, as determined by the district, has the student's course
 2-40 credit accrual and personal graduation plan reviewed;

2-41 (13) ensuring that a student in substitute care who is
 2-42 in grade 11 or 12 be provided information regarding tuition and fee
 2-43 exemptions under Section 54.366 for dual-credit or other courses
 2-44 provided by a public institution of higher education for which a
 2-45 high school student may earn joint high school and college credit;

2-46 (14) designating at least one agency employee to act
 2-47 as a liaison officer regarding educational issues related to
 2-48 students in the conservatorship of the Department of Family and
 2-49 Protective Services; and

2-50 (15) providing other assistance as identified by the
 2-51 agency.

2-52 SECTION 2. Section 29.0151, Education Code, is amended by
 2-53 amending Subsections (c), (f), and (g) and adding Subsection (e-1)
 2-54 to read as follows:

2-55 (c) A surrogate parent appointed by a school district may
 2-56 not:

2-57 (1) be an employee of the agency ~~[state]~~, the school
 2-58 district, or any other agency involved in the education or care of
 2-59 the child; or

2-60 (2) have any interest that conflicts with the
 2-61 interests of the child.

2-62 (e-1) As soon as practicable after appointing a surrogate
 2-63 parent under this section, a school district shall provide written
 2-64 notice of the appointment to the child's educational decision-maker
 2-65 and caseworker as required under Section 25.007(b)(10)(H).

2-66 (f) If a court appoints a surrogate parent for a child with a
 2-67 disability under Section 263.0025, Family Code, and the school
 2-68 district determines that the surrogate parent ~~[is failing to~~
 2-69 ~~perform or]~~ is not properly performing the duties listed under

3-1 Subsection (d), the district shall consult with the Department of
3-2 Family and Protective Services regarding whether [~~and appoint~~]
3-3 another person should be appointed to serve as the surrogate parent
3-4 for the child.

3-5 (g) On receiving notice from a school district under
3-6 Subsection (f), if the Department of Family and Protective Services
3-7 agrees with the district that [~~must promptly notify the court of the~~
3-8 ~~failure of~~] the appointed surrogate parent is unable or unwilling
3-9 to properly perform the duties required under this section:

3-10 (1) the department shall promptly notify the court of
3-11 the agreement; and

3-12 (2) as soon as practicable after receiving notice
3-13 under Subdivision (1), the court shall:

3-14 (A) review the appointment; and

3-15 (B) enter any orders necessary to ensure the
3-16 child has a surrogate parent who performs the duties required under
3-17 this section.

3-18 SECTION 3. This Act takes effect immediately if it receives
3-19 a vote of two-thirds of all the members elected to each house, as
3-20 provided by Section 39, Article III, Texas Constitution. If this
3-21 Act does not receive the vote necessary for immediate effect, this
3-22 Act takes effect September 1, 2019.

3-23 * * * * *