

Foster Care and Education Legislative Update, 83rd Session

83rd Legislative Session

- Bills directly related to Education of Foster Students:
 - HB 2619
 - SB 1404
 - SB 833/HB 457
 - SB 832/HB 456

HB 2619

- **Author:** Naishtat (Austin); Senate Sponsors: West (Dallas) and Zaffirini (Laredo)
- **Requires AALs and GALs** to know about educational needs and goals prior to Chapter 263 hearings
- **Requires courts** at Permanency and Placement Review Hearings to:
 - Identify an education decision-maker, if one not already identified
 - Determine whether the child's education needs and goals have been identified and addressed

HB 2619

- If DFPS appointed as MC and given education decision-making rights under TFC §153.371, **requires DFPS** to file a report identifying the name and contact information for the foster child's education decision-maker and surrogate parent, if applicable
- Must be provided by DFPS to court, persons entitled to notice of Chapter 263 hearings, and to school
- If not DFPS, court must identify another individual to be education decision-maker

HB 2619

- **Requires DFPS** to develop an educational stability plan for each foster child and to make the child's Education Passport available to any person authorized to make educational decisions for the child (TFC §264.1072)
- **Requires districts** to transfer school records no later than the 10th working day after the student enrolls at the new school (Texas Education Code §25.007(b))

HB 2619

- **Allows any foster student** to continue to attend the school in which the student was enrolled immediately before entering foster care until the student successfully completes the highest grade offered by the school
- **Requires districts** to notify the foster child's education decision-maker and caseworker of various events that may significantly impact the child's education

HB 2619

- **Requires districts** to excuse a foster child from attending school for attending a court-ordered mental health or therapy appointment or family visitation
- Court hearings and medical appointments already part of laundry list of excused absences
- Includes travel to/from
- Texas Education Code §25.087(b)

HB 2619

- **When** a "surrogate parent" needs to be appointed to make decisions regarding special education eligibility, services, placement, etc., for foster children
- **Provides for preferential consideration** to be given to a foster parent when appointing a surrogate
- Gives **priority** to the appointment of a relative or other designated caregiver if the foster parent is not appointed as the surrogate
- **Mirrors** a provision in the Texas Family Code regarding the ability of a court-appointed special advocate (CASA) to be appointed a surrogate in certain cases
- **Lists** those individuals ineligible to be a surrogate parent under IDEA.

SB 1404

- **Author:** Patrick (Houston), Uresti (San Antonio); House Sponsor: T. Parker (Flower Mound)
- **Requires TEA** to develop procedures to:
 - award partial credit to foster students for work completed while enrolled at another school
 - allow foster students who were previously enrolled in a course required for graduation the opportunity to complete the course before the beginning of the next school year
 - review the credits and PGPs for any foster students who are not likely to receive their diploma before their 5th year of high school
 - ensure foster students in 11th or 12th grade be given info about tuition and fee exemptions for dual-credit or other courses provided by higher education institution for which a high school student may earn joint high school and college credit

SB 1404

- **Requires districts** to:
 - excuse foster students from attending school for participating in a court-ordered activity pursuant to Texas Family Code Chapters 262 or 263, provided that it is not practicable to schedule the participation outside of school hours (Texas Education Code §25.087(b)(1)(F))
 - offer intensive instruction to any foster students who are unlikely to receive their diploma before their 5th year of high school (Texas Education Code §28.0213)
 - to award a diploma to any 11th or 12th grade foster student who transfers to a different district and meets the graduation requirements of the transferring district (Texas Education Code §28.025)

SB 833

- **SB 833**
 - **Author:** Davis (Ft. Worth); House Sponsor: Dukes (Austin)
 - **Requires TEA to collect** data through the Public Education Information System (PEIMS) regarding foster students

- **Similar bill also filed by Dukes (Austin) - HB 457**
 - **Status:** Assigned to House Public Education Committee; no hearing held
 - **Requires TEA to aggregate** data in the Public Education Information System (PEIMS) regarding students in foster care

SB 832

- **SB 832**
 - **Author:** Davis (Fort Worth); House Sponsor: Dukes (Austin)
 - **Requires districts and open-enrollment charter schools to submit** the appointed liaison's name and contact information to TEA
 - **Requires TEA to provide** information to the liaisons on practices for facilitating the enrollment or transfer of foster students

- **Similar bill also filed by Dukes (Austin) – HB 456**
 - **Status:** Assigned to House Public Education; no hearing held
 - **Requires TEA to maintain** a list of all foster care liaisons and to provide training and information to foster care liaisons on best practices for facilitating the enrollment and transfer of foster care students