

Foster Care and Education Legislative Update, 84th Session

84th Legislative Session



- **Bills Affecting Education of Children and Youth in Foster Care:**
 - SB 206
 - SB 1407
 - HB 1804
 - HB 3748
- **Bills Affecting Education of all Students**
 - SB 149
 - HB 4
 - HB 2398
- **Changes to the Texas Administrative Code**

Bills Affecting Education of Students in Foster Care

Notice of Education Decision Maker – SB 206 – Eff. 9/1/2015



- **Amends Texas Family Code (TFC) § 263.004 – Notice to Court regarding Education Decision-Making**
 - DFPS to file with court and notify school of identity of education decision-maker and surrogate parent, if applicable, within 5 days of adversary hearing
 - DFPS to provide this information to parties in Permanency Progress Reports
 - If identity of education decision-maker changes, must notify school within 5 days

Home Schooling of Foster Child– SB 206 – Eff. 9/1/2015



- **Adds TFC § 263.0045 – Education in Home Setting for Foster Children**
- If substitute care provider requests, DFPS shall allow the person to home school child unless:
 - A court order has specifically limited home schooling;
 - Court finding that home schooling not in best interest of child; or
 - DFPS determines that federal law requires another school setting

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Normalcy Activities – SB 1407 – Eff. 9/1/2015



- **Amends TFC §§ 263.306 and 263.503 related to Permanency Hearings Prior to and After Final Order**
 - Requires court to review DFPS efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in child's service plan
- **Amends TFC § 264.001 – Definitions. "Age-appropriate normalcy activity"**

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Notice of Significant Events – SB 206 – Eff. 9/1/2015



- Adds TFC § 264.018
- “Significant event” means:
 - Placement change, including failure to locate an appropriate placement for the child for at least one night
 - A significant change in medical condition
 - An initial prescription of a psychotropic medication or a change in dosage of a psychotropic medication
 - A major change in school performance or a serious disciplinary event at school; or
 - Any event determined to be significant under DFPS rule

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Notice of Significant Events – SB 206 – Eff. 9/1/2015



- Required Notifications
 - In addition to other notice requirements currently in law
 - Within **24 hours**, DFPS must make reasonable efforts to notify a **parent** of a child about certain significant events
 - For other persons, within **10 days**, or at hearing or not at all
 - Within **48 hours**, notice of placement change

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Foster Child Allowed to Attend School of Origin – SB 206 – Eff. 9/1/2015



- **Amends Texas Education Code (TEC) § 25.001(g):**
 - Child entering care may remain in the same public school he or she was attending at the time of removal even if foster placement is outside the district's attendance area
 - May remain until completes highest grade at school
 - Without payment of tuition
 - May remain even if child leaves conservatorship

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Foster Child Allowed to Attend School of Origin – SB 206 – Eff. 9/1/2015



- **Adds TEC § 25.001(g-1):**
 - Once in care, can continue to attend school enrolled in after came into foster care, regardless of placement changes
 - May remain until completes highest grade at school
 - Without payment of tuition
 - May remain even if child leaves conservatorship

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Excused Absences – SB 206 – Eff. 9/1/2015



- **Amends TEC § 25.087(b)** to clarify that children and youth in the conservatorship of DFPS are excused from attending school if participating in an activity:
 - Ordered by the court
 - Required in a service plan developed pursuant to TFC Chapter 263

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Notification of Education Events – HB 1804 – Eff. 9/1/2015



- **Amends TEC § 25.007(b)(9)** to require that, in addition to school districts, campuses and open-enrollment charter schools must notify the child's education decision-maker and caseworker about events that may significantly impact the education of the child

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Foster Care Liaisons and Education Data – HB 3748 – Eff. 6/17/2015



- **Amends TEC § 25.007(b)(13)** to require TEA to designate a foster care liaison
- **Adds TEC § 51.9356** to require each institution of higher education to designate a foster care liaison
- **Adds TEC § 61.0908** to require THECB to designate a foster care liaison
- **Adds TEC § 61.0909** to require a MOU between THECB and DFPS

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Tuition and Fee Exemption for Foster Youth – SB 206 – Eff. 9/1/2015



- **Adds § 54.366(c)** to provide that any child:
 - Who exits DFPS conservatorship, **and**
 - Is returned to the child's parents (even a parent whose parental rights were previously terminated),
 - May be exempt from paying tuition and fees if DFPS determines that the child is eligible under DFPS rules (to be developed)
- HHSC is required to develop a rule setting out factors that would determine eligibility in consultation with the Department and THECB

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Legislative Changes Affecting all Students

Individual Graduation Committee– SB 149 – Eff. 5/11/2015



- **Adds TEC § 28.0258** to require school districts to establish an individual graduation committee for an 11th or 12th grade student who has failed the end-of course assessments for not more than 2 courses.
- **The Individual Graduation Committee**
 - Must include the principal, the teachers from each failed course, the department chair or teacher's supervisor; and either the parent, youth, or youth advocate

High Quality Prekindergarten – HB 4 – Eff. 5/28/2015



- **Amends TEC § 29.1532** to require additional PEIMS reporting including class size and ratio of teachers to students for each prekindergarten offered by the district and campus, a description of any assessments and the results, and the curriculum used by the district
- **Adds TEC Subchapter E-1** to define the high quality prekindergarten grant program, funding, curriculum, teacher requirements, family engagement plan, program and funding evaluation, and eligible private providers

Procedures related to Truancy– HB 2398 – Eff. 9/1/2015



- **Amends TEC § 25.085** to require compulsory school attendance from the age of six (or younger if the child previously enrolled in 1st grade) until the child's 19th birthday
- **Adds TFC § 65.002** to define a child subject to truancy court proceedings as a person between the age of 12 and 19 years old

Procedures related to Truancy– HB 2398 – Eff. 9/1/2015



- **Amends TEC § 25.0915** to require school districts to:
 - Adopt truancy prevention measures including a behavior improvement plan, school-based community service, or counseling or other services to address the student's truancy
 - Offer additional counseling if the student's truancy is the result of being homeless, pregnant, the primary family income earner, or in foster care and the district may not refer the student to truancy court

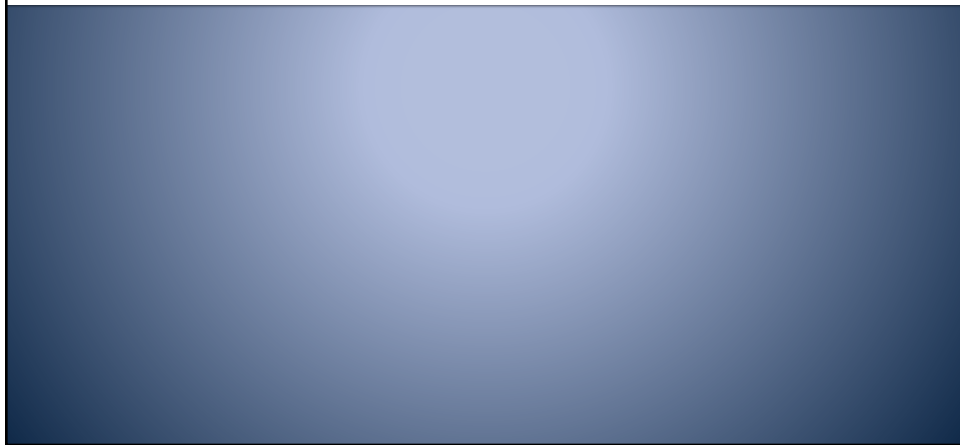
Procedures related to Truancy– HB 2398 – Eff. 9/1/2015



- **Amends TEC § 25.091** to permit a referral to truancy court if the truancy prevention measures fail to meaningfully address the student's conduct
- **Amends TEC § 25.0951** to permit a school district to file a complaint against the student's parent if there is proof of criminal negligence
- **Adds TFC § 65.003** to provide that truant conduct can only be prosecuted as a civil action

Changes to the Texas Administrative Code (TAC) Related to Children and Youth in Substitute Care

Note: These rules were developed by the State Board of Education and the Commissioner of Education. The changes were not the direct result of the 84th Legislative Session.



Credit by Examination – Eff. 11/24/2015



- **Amends TAC § 74.24** to require school districts to make credit by examination available, at any point during the school year, to students who are homeless or in foster care

Award of Credit – Eff. 11/24/2015



- **Amends TAC § 74.26** to require school districts to award credit proportionally to a student who is homeless or in substitute care who successfully completes one semester of a two semester course