

BILL ANALYSIS

C.S.H.B. 1640
By: Vo
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that homeless children, foster care youth, and former foster care youth are in need of educational and training support and guidance to improve their job prospects and provide Texas with a better-trained workforce. C.S.H.B. 1640 aims to provide more educational and training opportunities to such children and youth.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1640 amends the Education Code to require the Texas Education Agency (TEA) to assist the transition of students who are homeless or in substitute care from one school to another by developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in courses or educational programs of such a student and places the student in comparable courses or educational programs at the new school, if those courses or programs are available, and by requiring public school districts, campuses, and open-enrollment charter schools to provide comparable special education services to such a student during the referral process for those services or until the new school develops an individualized education program for the student. These requirements apply beginning with the 2017-2018 school year. The bill authorizes the commissioner of education to establish rules to implement provisions relating to transition assistance for students who are homeless or in substitute care and to facilitate the transition between schools of children who are homeless or in substitute care.

C.S.H.B. 1640 amends the Family Code to require the Department of Family and Protective Services (DFPS) to collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program that assists foster care youth and former foster care youth in obtaining a high school diploma or a high school equivalency certificate and industry certifications that are necessary for occupations that are in high demand, that provides career guidance to foster care youth and former foster care youth, and that informs foster care youth and former foster care youth about the tuition and fee waivers for institutions of higher education that are available to students under DFPS conservatorship. The bill requires DFPS, not later than September 1, 2018, and in collaboration with TEA, to produce a report on the program that includes recommendations for legislative or other action to further develop the program. The bill requires DFPS to submit the report to the governor, the lieutenant governor, the speaker of the

house of representatives, and the standing committees of the legislature with jurisdiction over education. The bill's requirements regarding the program report expire September 1, 2019.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1640 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 25.007(b), Education Code, as amended by Chapters 746 (H.B. 1804), 822 (H.B. 3748), and 1206 (S.B. 1494), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and 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 in courses or educational programs of a student who is homeless or in substitute care and places the student in comparable courses or educational programs at the new school, if those courses or programs are available;

(5) promoting practices that facilitate access by a student who is homeless or in substitute care to extracurricular programs, summer programs, credit transfer services,

electronic courses provided under Chapter 30A, and after-school tutoring programs at nominal or no cost;

(6) [~~(5)~~] establishing procedures to lessen the adverse impact of the movement of a student who is homeless or in substitute care to a new school;

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

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

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

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

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

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

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

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

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

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

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

(11) [~~(10)~~] developing procedures for allowing a student who is homeless or in

substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

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

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

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

(15) [~~(14)~~] providing other assistance as identified by the agency.

No equivalent provision.

SECTION 2. Section 25.007, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner may establish rules to implement this section and to facilitate the transition between schools of children who are homeless or in substitute care.

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1211 to read as follows:

Sec. 264.1211. CAREER DEVELOPMENT AND EDUCATION PROGRAM. The department shall collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program that:

(1) assists foster care youth and former foster care youth in obtaining:

(A) a high school diploma or a high school equivalency certificate; and

SECTION 3. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1211 to read as follows:

Sec. 264.1211. CAREER DEVELOPMENT AND EDUCATION PROGRAM. (a) The department shall collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program that:

(1) assists foster care youth and former foster care youth in obtaining:

(A) a high school diploma or a high school equivalency certificate; and

(B) industry certifications that are necessary for occupations that are in high demand;

(2) provides career guidance to foster care youth and former foster care youth; and

(3) informs foster care youth and former foster care youth about the tuition and fee waivers for institutions of higher education that are available under Section 54.366, Education Code.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2017.

(B) industry certifications that are necessary for occupations that are in high demand;

(2) provides career guidance to foster care youth and former foster care youth; and

(3) informs foster care youth and former foster care youth about the tuition and fee waivers for institutions of higher education that are available under Section 54.366, Education Code.

(b) Not later than September 1, 2018, the department, in collaboration with the Texas Education Agency, shall produce a report on the program created under Subsection (a). The report must include recommendations for legislative or other action to further develop the program. The department shall submit the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the legislature with jurisdiction over education. This subsection expires September 1, 2019.

SECTION 4. Section 25.007(b), Education Code, as reenacted and amended by this Act, applies beginning with the 2017-2018 school year.

SECTION 5. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.