

BILL ANALYSIS

Senate Research Center
76R10278 KKA-D

C.S.S.B. 1141
By: Zaffirini
Human Services
3/25/1999
Committee Report (Substituted)

DIGEST

Currently, discrepancies exist on the issue of appointing foster parents or guardians ad litem as surrogate parents, and it has been cited that persons appointed to be surrogates for parents of children with disabilities need certain training and knowledge to represent the best interests of the child. This bill would clarify procedures in assigning foster parents and guardians ad litem as surrogates and require the Texas Education Agency to establish minimum standards for training potential surrogate parents who will be required to meet specific qualifications.

PURPOSE

As proposed, C.S.S.B. 1141 establishes procedures for assigning persons to act as surrogate parents for certain public education students with disabilities.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Education Agency in SECTIONS 1 and 2 (Sections 29.001, 29.015, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.001, Education Code, to require the Texas Education Agency (agency) to develop and implement a statewide plan to ensure that individuals assigned to act as surrogate parents for children with disabilities are required to complete a training program that complies with standards established by agency rule, visit the child and the child's school, consult with persons involved in the child's education, review the child's educational records, attend meetings of the child's admission, review, and dismissal committee, exercise judgment in pursuing the child's interest, and exercise the child's due process rights.

SECTION 2. Amends Chapter 29A, Education Code, by adding Section 29.015, as follows:

Sec. 29.015. FOSTER PARENTS. Authorizes a foster parent to act as a parent of a child with a disability if the Department of Protective and Regulatory Services (DPRS) is appointed as the managing conservator of the child, the child has been placed with a foster parent for at least 60 days, the foster parent agrees to make educational decisions on the child's behalf and complete a training program that meets standards established by agency rule, and the foster parent has no interest that conflicts with those of the child. Authorizes a foster parent who is denied the right to act as a surrogate parent or a parent under this section by a school to file a complaint with the agency in accordance with federal law and regulations.

SECTION 3. Amends Section 107.031, Family Code, by adding Subsection (e), to authorize a court-certified volunteer advocate to be assigned to act as a surrogate parent for a child if the child is in the conservatorship of the DPRS, the volunteer advocate is serving as guardian ad litem for the child, and a foster parent is not acting as the child's parent.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 29.001, Education Code, to require an individual assigned to act as a surrogate parent to attend meetings of the child's admission, review, and dismissal committee. Makes a nonsubstantive change.

SECTION 2.

Amends Section 29.015, Education Code to change the section heading. Authorizes a foster parent to act as a parent of a child with a disability if certain actions are taken. Authorizes a foster parent who is denied the right to act as a surrogate parent or parent to file a complaint with the agency.

SECTION 3.

Amends Section 107.031, Family Code, to make conforming changes.