

BILL ANALYSIS

Senate Research Center
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H.B. 3748
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Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Youth in foster care have poor educational outcomes in comparison to the general student population. One study states that while 70 percent of foster youth say they want to attend college, fewer than three percent actually graduate. Additional studies put the graduation rate of foster youth at two to nine percent. To promote better outcomes for foster youth, H.B. 3748 builds on previous efforts and provides for educational liaisons for foster youth at the college and state agency level, and fosters the gathering and exchange of information about the experience of foster youth in higher education.

Currently, the Texas Education Agency (TEA) has a position dedicated to working with school districts regarding the needs of foster youth. H.B. 3748 defines this position in statute, to ensure its continued positive impact on this population. Because this staff expertise has been crucial in developing best practices and facilitating the sharing of information related to K-12 education among stakeholders around the state, the bill creates a similar position at the Texas Higher Education Coordinating Board (THECB) so that similar results may be achieved in higher education.

Additionally, school districts are currently required to designate a foster care liaison. Advocates believe this has helped foster youth achieve success in K-12 education. H.B. 3748 replicates this model by requiring each institution of higher education to designate an employee to act as a liaison for students who are former foster youth, so that they may better address challenges in higher education that are unique to their situation.

Finally, the Department of Family and Protective Services (DFPS) currently shares information on students in foster care through a Memorandum of Understanding (MOU) with TEA. No such arrangement exists between DFPS and THECB. To provide a more detailed analysis of educational outcomes for foster youth and enable the state to study long term trends regarding foster youth in higher education, H.B. 3748 requires DFPS and THECB to enter into an MOU through which they will exchange relevant information.

H.B. 3748 amends current law relating to the coordination of educational support services for and information regarding students who are currently or were formerly placed in foster care.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 25.007(b), Education Code, as amended by Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, and amends it as follows:

(b) Requires the Texas Education Agency (TEA), in recognition of the challenges faced by students in substitute care, to assist the transition of substitute care students from one school to another by taking certain actions as set forth, including designating at least one TEA employee to act as a liaison officer regarding educational issues related to students

in the conservatorship of the Department of Family and Protective Services (DFPS).
Makes nonsubstantive changes.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9356, as follows:

Sec. 51.9356. DESIGNATION OF LIAISON OFFICER TO ASSIST STUDENTS FORMERLY IN FOSTER CARE. (a) Defines "institution of higher education."

(b) Requires each institution of higher education to designate at least one employee of the institution to act as a liaison officer for current and incoming students at the institution who were formerly in the conservatorship of DFPS. Requires the liaison officer to provide to those students information regarding support services and other resources available to the students at the institution and any other relevant information to assist the students.

SECTION 3. Amends Subchapter C, Chapter 61, Education Code, by adding Sections 61.0908 and 61.0909, as follows:

Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST STUDENTS FORMERLY IN FOSTER CARE. Requires the Texas Higher Education Coordinating Board (THECB) to designate at least one employee of THECB to act as a liaison officer for current and incoming students at institutions of higher education who were formerly in the conservatorship of DFPS. Requires the liaison officer to assist in coordinating college readiness and student success efforts relating to those students.

Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING EXCHANGE OF INFORMATION FOR STUDENTS FORMERLY IN FOSTER CARE. (a) Defines "department" as the Department of Family and Protective Services in this section.

(b) Requires THECB and DFPS to enter into a memorandum of understanding regarding the exchange of information as appropriate to facilitate DFPS' evaluation of educational outcomes of students at institutions of higher education who were formerly in the conservatorship of DFPS. Requires that the memorandum of understanding require:

(1) DFPS to provide THECB each year with demographic information regarding individual students enrolled at institutions of higher education who were formerly in the conservatorship of DFPS following an adversarial hearing under Section 262.201 (Full Adversary Hearing; Findings of the Court), Family Code; and

(2) THECB, in a manner consistent with federal law, to provide DFPS with aggregate information regarding educational outcomes of students for whom THECB received demographic information under Subdivision (1).

(c) Provides that, for purposes of Subsection (b)(2), information regarding educational outcomes includes information relating to student academic achievement, graduation rates, attendance, and other educational outcomes as determined by THECB and DFPS.

(d) Authorizes DFPS to authorize THECB to provide education research centers established under Section 1.005 with demographic information regarding individual students received by THECB in accordance with Subsection (b)(1), as appropriate to allow the centers to perform additional analysis regarding educational outcomes of students in foster care. Requires any use of information regarding individual students provided to a center under this subsection to be approved by DFPS.

(e) Provides that nothing in this section may be construed to:

(1) require THECB or DFPS to collect or maintain additional information regarding students formerly in the conservatorship of DFPS; or

(2) allow the release of information regarding an individual student in a manner not permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or another state or federal law.

SECTION 4. Requires THECB and DFPS to enter into the memorandum of understanding required by Section 61.0909, Education Code, as added by this Act, not later than January 1, 2016.

SECTION 5. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: upon passage or September 1, 2015.