

- SUBJECT:** Establishing time frame for DPRS to enroll foster children in new school
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Goodman, Baxter, Dunnam, Hodge
0 nays
4 absent — Castro, J. Moreno, Morrison, Reyna
- WITNESSES:** For — Teana V. Watson
Against — None
- BACKGROUND:** Family Code, ch. 262 governs procedures in suits by the Texas Department of Protective and Regulatory Services (DPRS). It authorizes DPRS to take possession of the child in certain circumstances where the child's physical health and safety are threatened.
- Substitute care means placing a child who is in the conservatorship of DPRS in care outside the child's home, including foster care, institutional care, adoption, or placement with a relative.
- Education Code, sec. 25.002 requires a child's parents or other person with legal control to furnish to the school district, by the 30th day after enrolling the child in a public school, the child's birth certificate, records from the school the child most recently attended, and immunization records.
- DIGEST:** CSHB 1050 would require DPRS, after taking possession of a child under Family Code, ch. 262, to ensure that the child returned to school not later than the third school day after the date of the order giving DPRS possession of the child, unless the child had a physical or mental condition of a temporary and remediable nature that made the child's attendance infeasible. If the child suffered from such a condition, DPRS would have to notify the school in writing that the child could not attend. If the child's mental or physical condition improved, DPRS would have to ensure that the child returned to school immediately.

A school district would have to accept a child for enrollment without the documentation ordinarily required for enrollment if DPRS had taken possession of the child under ch. 262. DPRS would have to ensure that the documentation was furnished to the school district by the 30th day after the date the child enrolled in the school.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1050 would ensure that children return to school promptly after being removed from their homes and placed in substitute care. No time frames in current law govern when children in the possession of DPRS must return to school. Often, children remain out of school for weeks or even longer.

These children, who already are victims of abuse and neglect, are traumatized further by leaving their homes and being placed in DPRS custody. Enrolling them in school as soon as possible would help ease the transition because it would provide children with structure, familiarity, and supervision that they desperately need.

The bill appropriately would require school districts to enroll children who are in DPRS custody without the documentation normally required. Under current law, even if DPRS makes every effort to enroll a student, the receiving school sometimes refuses to admit the student without the proper paperwork.

**OPPONENTS
SAY:**

CSHB 1050 is unnecessary. DPRS already makes every effort to get children back in school as soon as possible after they are removed from home. Foster parents likewise want the children in school so that they will not be left home alone. A legal mandate is not necessary to make this happen.

NOTES:

As filed, HB 1050 did not contain the exception for a child with a physical or mental condition that made attendance at school infeasible, nor did it require school districts to accept children for enrollment without the documentation ordinarily required.

The companion bill, SB 1732 by Gallegos, has been referred to the Senate Education Committee.