

BILL ANALYSIS

Senate Research Center
78R11175 MCK-D

C.S.S.B. 1732
By: Gallegos
Education
5/9/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law requires the Texas Department of Protective and Regulatory Services (DPRS) to enroll a minor ward of the state in school upon placement in substitute care. However, the existing code fails to specify a time frame by which the child must be enrolled in and attending school. C.S.S.B. 1732 requires the Texas Department of Protective and Regulatory Services to ensure that a child in its possession returns to school within three days after DPRS takes possession of the child, unless the child has a physical or mental condition making the child's attendance infeasible.

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. Amends Subchapter B, Chapter 264, Family Code, by adding Section 264.113, as follows:

Sec. 264.113. RETURNING CHILD TO SCHOOL. (a) Requires the Department of Protective and Regulatory Services (DPRS), if it takes possession of a child under Chapter 262 during the school year, to ensure that the child returns to school by the third school day after the date an order is rendered providing for possession of the child by DPRS, unless the child has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible.

(b) Requires DPRS, if a child has a physical or mental condition of a temporary and remediable nature that makes the child's attendance in school infeasible, to notify the school in writing that the child is unable to attend school. Requires DPRS, if the child's physical or mental conditions improves so that child's attendance in school is feasible, to ensure that the child immediately returns to school.

SECTION 2. Amends Section 25.002, Education Code, by adding Subsection (g) to require the school district to accept a child for enrollment in a public school without documentation required by Subsection (a) if DPRS has possession of the child under Chapter 262 (Procedure in Suit by Governmental Entity To Protect Health and Safety of Child), Family Code. Requires DPRS to ensure that the documentation required by Subsection (a) is furnished to the school district by the 30th day after the child is enrolled in school.

SECTION 3. Effective: September 1, 2003.