



To:	Texas Judges Who Hear CPS Cases
From:	The Honorable Robin Sage Jurist in Residence, Office of Court Administration
Date:	September 10, 2013
RE:	Back to School – New Legislation and Resources to Help Improve Education Outcomes of Students in Foster Care

During 2013, the Texas Legislature passed four key bills directly related to the education of foster students. The beginning of the new academic year gives us the opportunity to look at our own courtroom practices and assess whether we're asking the right questions and getting the information we need about children and youth's schooling and what we can do to make the most of the new legislation.

Q: What bills related to foster care and education passed during 2013?

A: Four bills passed that merit attention: 1) [House Bill 2619](#) and 2) Senate Bills [832](#), [833](#), and [1404](#).

Q: What do courts need to know about the new legislation?

Although the bills do a number of things, the highlights that courts need to know are:

- Attorneys and guardians ad litem must determine whether their clients' educational needs are being identified and addressed.
- Unless the court has limited DFPS's authority to make education decisions, DFPS must file with the court and send to the school and each person entitled to notice of Chapter 263 hearings the identity of and contact information for each person DFPS has delegated education decision-making duties. DFPS is currently working on a form to accomplish this that should be rolled out in September.
- At permanency and placement review hearings, the court must:
 - Identify an education decision-maker, if one has not already been identified
 - Determine whether the child's educational needs and goals have been identified and addressed

Q: Where can I find more information related to the new legislation and other resources about foster care and education?

A: The Children's Commission, in partnership with DFPS, the Texas Education Agency (TEA), and others, has produced some tools and resources for judges to use to assess whether the educational needs of children and youth in foster care are being identified and addressed. These resources may be linked to below and in the near future, may be found on the Children's Commission education website:

- **Judicial Checklist regarding Education:** One-page overview of education-related questions that may be asked from the bench. The checklist may be accessed here: [http://texaschildrenscommission.gov/media/17149/Education Judicial Checklist.pdf](http://texaschildrenscommission.gov/media/17149/Education%20Judicial%20Checklist.pdf)
- **New chapter on Education in the Texas Child Protection Law Bench Book coming in October 2013!** Beginning October 1, 2013, please go to this page on the Children's Commission website and scroll down to *Bench Book* to see the newest version, which includes legislative updates and the new education chapter: <http://texaschildrenscommission.gov/resources-reports.aspx>
- **Foster Care Liaison List:** The Texas Education Code requires each school district to appoint a foster care liaison to assist foster students with enrollment and record transfer issues. TEA is collecting and compiling the identity of these persons. Please click on the following link and scroll down to see the list of designated district liaisons to determine whether the school districts in your jurisdiction have appointed a foster care liaison and provided this person's name and contact information to TEA: <http://www.tea.state.tx.us/FosterCareStudentSuccess/liaisons/>
- **Texas Foster Care and Student Success Resource Guide:** Although its primary audience is the foster care liaison that each school district is responsible for appointing, this guide contains much information that will be useful to persons responsible for handling CPS cases. Available at: <http://www.tea.state.tx.us/FosterCareStudentSuccess/resource-guide.pdf>
- **Texas Foster Care and Education Summit:** In February 2013, approximately 200 representatives of the courts, CPS, and schools around Texas attended a summit to raise awareness of the educational challenges of foster students. More information about the summit, including presentations and reports, may be found on the Children's Commission foster care and education website at: <http://education.texaschildrenscommission.gov/>