

The Texas Education Agency (TEA) proposes amendments to §§89.1601, 89.1603, 89.1605, 89.1609, 89.1611, 89.1613, 89.1615, and 89.1617; the repeal of §89.1607; and new §89.1607, concerning transition assistance for highly mobile students who are homeless or in substitute care. The proposed revisions would provide clarification, simplify provisions, and align with statute.

BACKGROUND INFORMATION AND JUSTIFICATION: The rules in Chapter 89, Subchapter FF, assist with the transition of students who are homeless or in substitute care from one school to another and provide school districts and open-enrollment charter schools with guidance on statutory requirements. The proposed revisions would make the following changes.

The word "transfer" would be removed throughout the rules because students who are homeless or in substitute care are not considered transfer students when moving from one school to another.

The proposed amendment to §89.1601, Definitions, would add definitions for "caseworker," "educational programs," and "welcome packet." The definition for "enrollment conference" would be expanded and clarified, and the term "homeless liaison" would be changed to "McKinney-Vento liaison." In addition, some of the other definitions would be reordered to alphabetize the terms with no changes proposed to the text.

The proposed amendment to §89.1603, Transfer of Student Records and Transcripts, would reorder subsections and reword phrasing to improve clarity on the responsibilities for school districts and charter schools to request, send, and receive student records and transcripts as required by Texas Education Code (TEC), §25.002(a-1), to ensure a seamless enrollment and transition.

The proposed amendment to §89.1605, Development of Systems to Ease Transitions and Establish Procedures to Lessen the Adverse Impact of Movement of a Student, would update phrasing to improve clarity on systems school districts and charter schools must develop to ease the transition during the first two weeks of enrollment at a new school. In subsection (a)(1), the list of contact information to be included in welcome packets would be updated. Subsection (b) would incorporate stakeholder input by updating the enrollment conference timeline so that districts and charter schools may conduct an enrollment conference after the first two weeks of a student's enrollment if necessary. New subsection (b)(2) would be added to address a student's attendance at the enrollment conference. A requirement would be added in subsection (c) that school districts and charter schools must provide professional development opportunities for staff on school transition support. Subsection (d) would be updated to add specifications for the use of Texas Records Exchange (TREx), Personal Identification Database (PID), and Personal Enrollment Tracker (PET) applications.

Section 89.1607, Award of Credit, would be repealed and proposed as new §89.1607, Evaluation of Student Records for Students Who Are Homeless or in Substitute Care. The proposed new section would include reordered and adjusted content that clarifies school district and charter school responsibilities relating to the creation and examination of existing policies on award of credits. In addition, language would be added to address the requirements for school districts and charter schools to evaluate student records, transcripts, and courses; develop processes to support on-time graduation; and align with existing personal graduation plans. Language related to credit recovery plans would not be included in the new rule.

The proposed amendment to §89.1609, Placement in Educational Programs and Courses, would move the description of "educational programs" to the definitions in §89.1601 and clarify district and charter school responsibilities relating to course and educational program placement. The requirement for districts and charter schools to promote placement in academically challenging and career preparation courses would be moved from subsection (c) to new subsection (d).

The proposed amendment to §89.1611, Promotion of Access to Educational and Extracurricular Programs for Students Who Are Homeless or in Substitute Care, would update the section title to more specifically align with requirements in TEC, §25.007, related to summer programs, credit transfer services, electronic courses, and after-school tutoring programs. New subsections (a) and (b) would outline district and charter school responsibilities to remove barriers and increase awareness of opportunities to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs. Subsection (c) would be

amended to clarify information related to University Interscholastic League (UIL) requirements to align with UIL policy.

The proposed amendment to §89.1613, Promotion of Postsecondary Information, would include specific district and charter school responsibilities to promote postsecondary access for students who are homeless and students who are in substitute care. The new language would be organized to present requirements based on the student's status. The proposed amendment would strengthen requirements based on existing statutory requirements concerning postsecondary promotion for students who are homeless or in substitute care.

The proposed amendment to §89.1615, Provision of Special Education Services, would update language to clarify district and charter school responsibilities to provide special education services and accept referrals made by previous districts or charter schools for special education evaluation to ensure the appropriate placement of services for students.

The proposed amendment to §89.1617, Notice to Student's Educational Decision-Maker and Caseworker, would remove the requirement for districts and charter schools to comply with TEC, §25.007(b)(10), for students who are homeless because this section only pertains to students in substitute care.

FISCAL IMPACT: Justin Porter, associate commissioner for special populations, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state government to comply with the proposal. However, there may be additional costs to local government, including school districts and open-enrollment charter schools, to implement the proposed revisions. The fiscal implications may include the need for professional development and refinement of systems to ease the burden of school transitions. Since the needs and related requirements vary by district, it is difficult to estimate the fiscal impact on any given district.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations, create new regulations, and expand existing regulations to assist the transition of students who are homeless or in substitute care. Specifically, the proposed revisions address school district and open-enrollment charter school responsibilities regarding (1) securing student records and transcripts; (2) developing systems to ease transition and establish procedures to lessen the adverse impact of movement; (3) award of credit; (4) course and educational program placement; (5) promotion of access to educational and extracurricular programs; (6) promotion of postsecondary access, including high school completion and information related to available financial aid resources; (7) providing special education services; and (8) providing notice to the student's educational decision maker and caseworker if the student is in substitute care.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not limit an existing regulation; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Porter has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be the requirement for school districts and open-enrollment charter schools to reduce barriers related to school transitions for students who are homeless or in substitute care, thereby supporting the academic achievement for these highly mobile and at-risk student populations. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins August 19, 2022, and ends September 19, 2022. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 19, 2022. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code, §25.007, which requires the agency to assist the transitions of students who are homeless or in substitute care from one school to another.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §25.007.

<rule>

§89.1601. Definitions.

The following words and terms, when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise.

- (1) Caseworker--A person who works on behalf of a student in the Texas Department of Family and Protective Services (DFPS) Managing Conservatorship to make decisions regarding the student's case.
- (2) Educational and course programs--Programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.
- (3) Educational decision-maker--A person designated by DFPS or a court to make education decisions on behalf of youth in substitute care.
- (4) Enrollment conference--A student-centered meeting between key school district or open-enrollment charter school staff and the student's parent or guardian that occurs within the first two weeks of enrollment at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504 services, academic and/or behavioral interventions, social and emotional needs, college and career readiness).
- (5) Foster care--Twenty-four-hour substitute care for children placed away from their parents or guardians for whom DFPS has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes.

- (6) Foster care liaison--The individual each school district or open-enrollment charter school appoints to act as a liaison to facilitate enrollment or transfer of a child who is in conservatorship of the state, pursuant to Texas Education Code, §33.904.
- (7) ~~(4)~~ Homeless--This term has the meaning assigned to the term "homeless children and youths" under 42 United States Code (USC), §11434a.
- (8) ~~(2)~~ McKinney-Vento [Homeless] liaison--A person designated by a school district or an open-enrollment charter school pursuant to the McKinney-Vento Homeless Assistance Act (42 USC, §11432(g)(1)(J)(ii)), to ensure homeless children and youth are identified and enrolled, with a full and equal opportunity to succeed, in schools.
- (9) Records--Documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.
- (10) ~~(3)~~ Substitute care--The placement of a child who is in the conservatorship of DFPS [the Texas Department of Family and Protective Services (DFPS)] in care outside the child's home. The term includes foster care, institutional care, pre-adoptive homes, placement with a relative of the child, or commitment to the Texas Juvenile Justice Department under Texas Family Code, §263.001(a)(4).
- (11) Welcome packet--A compilation of school district or open-enrollment charter school and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.
- ~~(4) Foster care liaison The individual each local educational agency appoints to act as a liaison to facilitate enrollment or transfer of a child who is in conservatorship of the state, pursuant to Texas Education Code, §33.904.]~~
- ~~(5) Foster care Twenty four hour substitute care for children placed away from their parents or guardians and for whom DFPS has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre adoptive homes.]~~
- ~~(6) Educational decision maker A person designated by DFPS or a court to make education decisions on behalf of youth in substitute care.]~~
- ~~(7) Enrollment conference A student centered meeting for a newly enrolled student to identify academic and extracurricular interests; introduce school processes and opportunities for engagement; develop course and instructional strategies; review credits and assessment information; determine social emotional support; and communicate confidential information that may impact a student's success, if needed.]~~
- ~~(8) Records Documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.]~~

§89.1603. Transfer of Student Records and Transcripts.

- (a) School districts [Each school district] and open-enrollment charter schools shall [school must] ensure that school [copies of student] records for [are made available to schools to which] students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records [transfer] .
- (b) Student records must be requested, sent, and received using the Texas Records Exchange (TReX) system.

(c) ~~(b)~~ School districts ~~[Each school district]~~ and open-enrollment charter schools are ~~[school is]~~ required to transfer student records within 10 working days of receipt of a request from a district or charter school to which a student who is homeless or in substitute care enrolls, as required by Texas Education Code (TEC), §25.002(a-1). The discretionary authority under TEC, §31.104(d), to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district or charter school from the mandatory provision in TEC, §25.002, to send records to another public school in which the student enrolls.

~~(d) If a school district or an open-enrollment charter school fails to receive the required information within 10 working days, the requesting district or charter school may report the noncompliant district or charter school to the division responsible for TReX support at the Texas Education Agency.~~

(e) ~~(e)~~ Proof of enrollment in a different school district or open-enrollment charter school permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district or charter school is considered the date of withdrawal from the previous district or charter school.

~~(d) Student records must be requested, sent, and received using the Texas Records Exchange (TReX) system.~~

~~(e) If a school district or an open-enrollment charter school fails to receive the required information within 10 working days, the requesting district or charter school may report the noncompliant district or charter school to the division responsible for TReX Support at the Texas Education Agency.]~~

§89.1605. Development of Systems to Ease Transitions and Establish Procedures to Lessen the Adverse Impact of Movement of a Student.

(a) School districts ~~[Each school district]~~ and open-enrollment charter schools ~~[school]~~ shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

- (1) welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key [pertinent] school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists ~~[nurses, social workers, the foster care liaison, the homeless liaison, the principal and any assistant principals, and related contacts]~~ ;
- (2) introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by school district or charter school faculty, campus-based student leaders, or ambassadors; and
- (3) mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the district or charter school nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

(b) School districts and ~~[A school district or an]~~ open-enrollment charter schools ~~[school]~~ shall convene an enrollment conference ~~[with the student]~~ within the first two weeks ~~, or as soon as feasible, after a student who is [of enrollment or within the first two weeks after the student is identified as]~~ homeless or in substitute care enrolls at a new school .

- (1) The convening of the enrollment conference shall not delay or impede the enrollment of the student.
- ~~(2) The student's attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.~~
- ~~(3) [2]~~ The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as

district policies relating to transfers and withdrawals and communication preferences with parents or guardians. The enrollment conference may be comprised of:

- (A) school administrators;
 - (B) McKinney-Vento ~~[homeless]~~ or foster care liaisons;
 - (C) ~~[a]~~ social workers ~~[worker]~~ ;
 - (D) teachers;
 - (E) school counselors;
 - (F) dropout prevention specialists;
 - (G) attendance/truancy officers;
 - (H) the relative caregiver, foster placement caregiver, or caseworker ~~[case manager]~~ ;
 - (I) the Texas Department of Family and Protective Services (DFPS) designated educational decision-maker;
 - (J) the DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteer, as applicable; and
 - (K) a parent or ~~[and/or]~~ guardian, unless the caseworker indicates the parent's or ~~[and/or]~~ guardian's rights to participate have been restricted by the court.
- (c) School districts and open-enrollment charter schools must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists on local processes ~~[Pertinent staff members (such as principals, registrars, counselors, designated liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication processes.]~~ and procedures for facilitating successful school transitions for students who are homeless or in substitute care.
- (d) School districts and open-enrollment charter schools must use ~~[For each district or charter school.]~~ the Texas Records Exchange (TREx), the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application ~~[must be used]~~ to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student's previous school are missing or cannot be located, school districts and open-enrollment charter schools should use the Texas Student Data System (TSDS) Unique ID application to identify where the student was previously enrolled.

§89.1607. Evaluation of Student Records for Students Who Are Homeless or in Substitute Care.

- (a) School districts and open-enrollment charter schools shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district or charter school in accordance with §74.26 of this title (relating to Award of Credit).
- (b) School districts and open-enrollment charter schools must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.
- (c) The receiving school district or open-enrollment charter school must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.
- (d) School districts and open-enrollment charter schools must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out-of-state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by §74.26(a)(2) of this title.

- (e) School districts and open-enrollment charter schools must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course, as required by §74.26 of this title. Districts and charter schools must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.
- (f) If a school district or open-enrollment charter school determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district or charter school may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with §74.26 of this title.
- (g) School districts and open-enrollment charter schools must provide opportunities for a student who is homeless or in substitute care who enrolls in the district or charter school after the start of the school year to be administered credit by examination at any point during the school year, as required by §74.24 of this title (relating to Credit by Examination).
- (h) School districts and open-enrollment charter schools must:
 - (1) develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;
 - (2) develop and administer a personal graduation plan in accordance with Texas Education Code, (TEC), §28.0212, for each student in junior high or middle school who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in Grade 9 , as determined by the district or charter school, or does not perform satisfactorily on a state assessment instrument administered under TEC, Chapter 39, Subchapter B;
 - (3) review personal graduation plan options with each student entering Grade 9 and with that student's parent or guardian as required by TEC, §28.02121. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;
 - (4) ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and
 - (5) comply with TEC, §28.025(i), concerning the award of diplomas for students who are homeless or in substitute care who are in Grade 11 or 12.

§89.1609. Placement in Educational Programs and Courses.

- (a) School districts and open-enrollment charter schools must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.
- ~~[(a) — When a student who is homeless or in substitute care transfers before or during the school year, the receiving school district or open enrollment charter school shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school.]~~
 - ~~[(1) — Educational programs include, but are not limited to, gifted and talented program services, bilingual or special language services for English learners, career and technical education, and early college high school.]~~
 - ~~[(2) — Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.]~~
- (b) School districts ~~[Each school district]~~ and open-enrollment charter schools ~~[school]~~ must ensure that a student who is homeless or in substitute care has the opportunity to pursue ~~[ability to earn]~~ the same endorsement categories, to the extent possible [if applicable] . If only one endorsement is offered, it must be multidisciplinary studies.

- (c) To the extent possible, ~~each~~ school districts ~~district~~ and open-enrollment charter schools ~~school~~ shall ensure the continuation of a student's course and educational ~~and course~~ programs ~~if appropriate~~, from the previous district or charter school by placing the student in comparable courses and programs for which they are eligible ~~and promote placement in academically challenging and career preparation courses~~ .
- ~~(d) School districts and open-enrollment charter schools shall promote placement in academically challenging and career preparation courses.~~

§89.1611. Promotion of Access to Educational and Extracurricular Programs , Summer Programs, Credit Transfer Services, Electronic Courses, and After-School Tutoring Programs for Students Who Are Homeless or in Substitute Care.

- ~~(a) School districts and open-enrollment charter schools must develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.~~
- ~~(b) School districts and open-enrollment charter schools must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.~~
- (c) Appropriate school district or open-enrollment charter school staff must facilitate the process to complete and submit a University Interscholastic League ~~(UIL)~~ waiver of residence application form for a student who is homeless ~~or in substitute care~~ and plans to participate in varsity athletics ~~or other UIL sponsored activities~~ .
 - ~~(1) In compliance ~~Districts and charter schools must comply~~ with Texas Education Code, §25.001(f), ~~and~~ a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by the school district.~~
 - ~~(2) Students in foster care remaining in their school of origin but residing outside of the school district of attendance shall be afforded a waiver, as allowed under UIL Constitution and Contest Rules Section 442: Residence in School District and Attendance Zone.~~

§89.1613. Promotion of Postsecondary Information.

- ~~(a) The provisions of this subsection apply both for students who are homeless and students who are in substitute care.~~
 - ~~(1) ~~(a)~~ School district and open-enrollment charter school counselors or other designated staff shall work with district McKinney-Vento ~~homeless~~ and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required by Texas Education Code (TEC), §28.02121.~~
 - ~~(2) School districts and open-enrollment charter schools must provide postsecondary counseling in alignment with TEC, §33.007, for all students, including students who are homeless or in substitute care.~~
 - ~~(3) School districts and open-enrollment charter schools must connect students to college readiness initiatives, campus visits, and other postsecondary preparation opportunities provided by the school district or open-enrollment charter school.~~
 - ~~(4) School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high school and each subsequent year throughout high school.~~
- ~~(b) The provisions of this subsection apply only for students who are homeless.~~
 - ~~(1) ~~(b)~~ McKinney-Vento liaisons ~~School district and open enrollment charter school counselors or other designated staff~~ must inform unaccompanied homeless youths of their ~~rights and~~ status as independent students for the purpose of applying for financial aid for higher education and provide~~

verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code, §11432(g)(6)(A)(x)(III) [~~§11432(g)(6)(A)(x)~~].

(2) School counselors must assist and advise students experiencing homelessness with college preparation and readiness, pursuant to 42 United State Code, §11432(g)(1)(K).

(c) The provisions of this subsection apply only for students who are in substitute care.

(1) [~~(e)~~] School districts [~~Each school district~~] and open-enrollment charter schools [~~school~~] shall ensure that a student in substitute care who is enrolled in Grade 11 or 12 [~~in that district or charter school~~] is provided information regarding tuition and fee exemptions under TEC, §54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

(2) School districts and open-enrollment charter schools shall inform students in substitute care of tuition and fee exemptions under TEC, §54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

(3) School districts and open-enrollment charter schools shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

(4) Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

(5) Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.

§89.1615. Provision of Special Education Services.

(a) When a student who is homeless or in substitute care transfers into a school district or an open-enrollment charter school after being referred by a previous district or charter school for a special education evaluation, the receiving district or charter school must accept the referral and ensure that any written report of a full individual and initial evaluation is [~~is~~] [must be] completed in accordance with the timelines established in §89.1011 of this title (relating to Full and Individual [~~and~~] Initial Evaluation).

(b) When a student who is homeless or in substitute care is [~~is~~] [already] eligible for special education and [~~is~~] [homeless or in substitute care] transfers into a new school district or [~~an~~] open-enrollment charter school during the school year, the receiving district or charter school must ensure that it meets the student transfer requirements of §89.1050(j) of this title (relating to The Admission, Review, and Dismissal Committee).

§89.1617. Notice to Student's Educational Decision-Maker and Caseworker.

School districts [~~Each school district~~] and open-enrollment charter schools [~~school~~] must comply with Texas Education Code [~~(TEC)~~], §25.007(b)(10), and provide notice in writing to the educational decision-maker and caseworker of a student who is [~~homeless or~~] in substitute care regarding events that may significantly impact the education of the student.

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code, §25.007, which requires the agency to assist the transitions of students who are homeless or in substitute care from one school to another.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §25.007.

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§89.1607. Award of Credit.