



# ENDNOTES

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- <sup>3</sup> The working group partners included: American Bar Association Center on Children and the Law, American Public Human Services Association, National Association of Public Child Welfare Administrators, Annie E. Casey Foundation, Association of Administrators on the Interstate Compact on Adoption and Medical Assistance, Casey Family Programs, Children's Defense Fund, Child Welfare League of America, Education Law Center (Pennsylvania), Juvenile Law Center, National CASA Association, National Child Welfare Resource Center on Legal and Judicial Issues, National Council of Juvenile and Family Court Judges, National Foster Care Coalition, National Foster Parent Association, and the Stuart Foundation.
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- <sup>6</sup> Courtney et al. (2011), pp. 12, 28, 39. [www.chapinhall.org/sites/default/files/Midwest%20Evaluation\\_Report\\_4\\_10\\_12.pdf](http://www.chapinhall.org/sites/default/files/Midwest%20Evaluation_Report_4_10_12.pdf)
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- <sup>17</sup> National Council of Juvenile and Family Court Judges (2012, May), "Disproportionality Rates for Children of Color in Foster Care," *Technical Assistance Bulletin*, pp. 5-6. Retrieved from [www.ncjfcj.org/sites/default/files/Disproportionality%20Rates%20for%20Children%20of%20Color%202010.pdf](http://www.ncjfcj.org/sites/default/files/Disproportionality%20Rates%20for%20Children%20of%20Color%202010.pdf)
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- <sup>23</sup> American Bar Association & Casey Family Programs (2008), *Blueprint for Change: Education Success for Children in Foster Care, Second Edition*, p. ii. Retrieved from [www.americanbar.org/content/dam/aba/publications/center\\_on\\_children\\_and\\_the\\_law/education/blueprint\\_second\\_edition\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/blueprint_second_edition_final.authcheckdam.pdf)
- <sup>24</sup> Tex. Fam. Code ch. 262 & 263.
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- <sup>29</sup> Tex. Fam. Code § 107.012.
- <sup>30</sup> Tex. Fam. Code § 107.006(a).
- <sup>31</sup> Tex. Fam. Code § 107.006(b).
- <sup>32</sup> Tex. Fam. Code § 107.013.
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- <sup>36</sup> Tex. Fam. Code § 107.006.

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- <sup>38</sup> Tex. Fam. Code § 107.31, Tex. Educ. Code § 29.015.
- <sup>39</sup> S.B. No. 832. Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 33.904.
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- <sup>46</sup> Tex. Educ. Code § 25.001(g); H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, extends this provision to elementary and middle school students.
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- <sup>60</sup> Tex. Code Crim. Proc. art. 63.019.
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- <sup>72</sup> 20 U.S.C § 1232g(b)(1)(B); 34 C.F.R. § 99.31(a)(2), § 99.34. Additional information on immunization requirements, exemptions, and documentation may be found at: Texas Department of State Health Services. (2013, April 10), *School & Child-Care Facility Requirements [for Immunizations]*. Retrieved from: [www.dshs.state.tx.us/immunize/school/default.shtm](http://www.dshs.state.tx.us/immunize/school/default.shtm)
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- <sup>74</sup> 19 Tex. Admin. Code § 74.26(a)(1).
- <sup>75</sup> Tex. Code Crim. Proc. art.63.019.
- <sup>76</sup> If a student does not have a green binder, school personnel might work with a student's caregiver and notify the Regional Education Specialist to advocate that a student receives a portfolio, although this is beyond the scope of an educator's responsibility.
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- <sup>78</sup> Tex. Educ. Code § 25.002(c).
- <sup>79</sup> 42 U.S.C § 675(1)(G).
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- <sup>82</sup> 20 U.S.C § 1232(g).
- <sup>83</sup> S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex Educ. Code § 25.007.
- <sup>84</sup> TEA, *2012–2013 Student Attendance Accounting Handbook*, pp. 55–57. [www.tea.state.tx.us/index2.aspx?id=7739](http://www.tea.state.tx.us/index2.aspx?id=7739).



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- <sup>90</sup> TEA, *2012–2013 Student Attendance Accounting Handbook*, p. 54. [www.tea.state.tx.us/index2.aspx?id=7739](http://www.tea.state.tx.us/index2.aspx?id=7739).
- <sup>91</sup> TEA, *2012–2013 Student Attendance Accounting Handbook*, p. 57. [www.tea.state.tx.us/index2.aspx?id=7739](http://www.tea.state.tx.us/index2.aspx?id=7739).
- <sup>92</sup> Baskin (2011), “Educational Needs of Children in Foster Care,” Texas Association of School Boards: State Bar of Texas 37th Annual Advanced Family Law Course, p. 7.
- <sup>93</sup> TEA, *2012–2013 Student Attendance Accounting Handbook*, p. 55. [www.tea.state.tx.us/index2.aspx?id=7739](http://www.tea.state.tx.us/index2.aspx?id=7739).
- <sup>94</sup> Tex. Fam. Code §153.371.
- <sup>95</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, adds Tex. Fam. Code § 263.004.
- <sup>96</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, adds Tex. Fam. Code § 264.1072 .
- <sup>97</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013.
- <sup>98</sup> 42 U.S.C. § 675(1)(G).
- <sup>99</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, adds Tex. Fam. Code § 264.1072.
- <sup>100</sup> 42 U.S.C. § 675(1)(G).
- <sup>101</sup> Baskin (2011, July), “Legal Issues Related to Educational Needs of Children in Foster Care.” *Inquiry and Analysis*, p.3. [education.texaschildrenscommission.gov/media/6279/IA-July-2011.pdf](http://education.texaschildrenscommission.gov/media/6279/IA-July-2011.pdf)
- <sup>102</sup> 20 U.S.C. § 1232g(b)(1)(L), (2)(B).
- <sup>103</sup> 34 C.F.R. § 99.30.
- <sup>104</sup> 34 C.F.R. § 99.3.
- <sup>105</sup> 20. U.S.C § 1232g (b)(1)(J); 34 C.F.R. § 99.31(a)(9).
- <sup>106</sup> 20 U.S.C. § 1232 g (b)(1) (B); 34 C.F.R.§§ 99.31(a)(2), 99.34.
- <sup>107</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.001(g).
- <sup>108</sup> Tex. Fam. Code § 262.201.
- <sup>109</sup> Tex. Educ. Code § 29.153.
- <sup>110</sup> Tex. Educ. Code § 25.085(b).
- <sup>111</sup> H.B. No. 2619, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.087.
- <sup>112</sup> Tex. Educ. Code § 37.0011(c).
- <sup>113</sup> Citations are no longer allowed for Class C misdemeanor on school campus. S.B. 393, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, adds TEX. Educ. Code § 37.1043.
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- <sup>123</sup> Tex. Educ. Code § 29.081(d)(11).
- <sup>124</sup> Specific fiscal requirements are stipulated in Tex. Educ. Code § 42.152 and in Tex. Educ. Code § 29, Subchapter C.
- <sup>125</sup> Tex. Educ. Code § 25.002 (a-1); Tex. Educ. Code § 25.001 (g).
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- <sup>127</sup> Tex. Educ. Code § 28.0212.
- <sup>128</sup> Students of a certain age who receive special education services are also required to have an individual Transition Plan, Tex. Educ. Code § 29.011. Note: School staff should remember that decisions about a student’s special education eligibility or services must only be made by a properly constituted ARD committee.
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- <sup>130</sup> Tex. Educ. Code § 28.0213.
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- <sup>135</sup> Baskin, “Educational Needs of Children in Foster Care,” p. 11.
- <sup>136</sup> Note: School staff should remember that decisions about a student’s special education eligibility or services must only be made by a properly constituted ARD committee.
- <sup>137</sup> Tex. Educ. Code § 29.081.
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<sup>139</sup> S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.007.

<sup>140</sup> A student in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine as determined by the district, must have the student's course credit accrual and PGP reviewed, (S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.007).

<sup>141</sup> S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 28.025.

<sup>142</sup> S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.007.

<sup>143</sup> Tex. Educ. Code § 25.001(b).

<sup>144</sup> TEA, (2012), PEIMS report 2011–2012 [ritter.tea.state.tx.us/adhocrpt/](http://ritter.tea.state.tx.us/adhocrpt/)

<sup>145</sup> H.B. No. 5, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 39.023(c).

<sup>146</sup> TEA, (2012), PEIMS report 2011–2012 [ritter.tea.state.tx.us/adhocrpt/](http://ritter.tea.state.tx.us/adhocrpt/)

<sup>147</sup> 34 C.F.R. § 300.306.

<sup>148</sup> 34 C.F.R. § 300.17.

<sup>149</sup> 34 C.F.R. § 300.30(a).

<sup>150</sup> Tex. Educ. Code § 29.015(b).

<sup>151</sup> 34 C.F.R. § 300.300(a)(2).

<sup>152</sup> 34 C.F.R. § 300.304.

<sup>153</sup> Tex. Educ. Code § 25.007(b)(8).

<sup>154</sup> 20 U.S.C. § 1415 (b)(2) & 34 C.F.R. § 300.519.

<sup>155</sup> 34 C.F.R. § 300.519(d)(2).

<sup>156</sup> U.S.C § 1415(b)(2) & 34 C.F.R. § 300.519(h).

<sup>157</sup> Tex. Educ. Code § 29.015(a).

<sup>158</sup> 19 Tex. Admin. Code § 89.1047.

<sup>159</sup> Tex. Educ. Code § 29.001 (10)(B).

<sup>160</sup> Tex. Educ. Code § 29.001.

<sup>161</sup> 19 Tex. Admin. Code § 89.1050.

<sup>162</sup> 19 Tex. Admin. Code § 89.1050.

<sup>163</sup> Tex. Educ. Code § 29.001(10)(F).

<sup>164</sup> Texas Education Agency (2012, March), "Notice of Procedural Safeguards: Rights of Parents of Children with Disabilities." Retrieved from [framework.esc18.net/Documents/Procedural%20Safeguards\\_March%202012.pdf](http://framework.esc18.net/Documents/Procedural%20Safeguards_March%202012.pdf)

<sup>165</sup> 34 C.F.R. § 300.111.

<sup>166</sup> Adapted from CPS Handbook, Psychological Assessment of School-Age Children, Section 15500, [www.dfps.state.tx.us/handbooks/CPS/Menu/MenuCPSa15000.asp](http://www.dfps.state.tx.us/handbooks/CPS/Menu/MenuCPSa15000.asp)

<sup>167</sup> S.B. No. 1404, Acts of the Texas Legislature, 83<sup>rd</sup> Regular Session, 2013, amends Tex. Educ. Code § 25.007.

<sup>168</sup> Adopted youth subject to an adoption assistance agreement that provides monthly payments and Medicaid benefits are also eligible for the college tuition and fee waiver. For these students there is no age limit to enroll in college in order to take advantage of the tuition and fee waiver. [www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_x10300.asp#CPS\\_10311](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10300.asp#CPS_10311)