### Sec. 1.     FOSTER PARENT

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. §1415(b) and its subsequent amendments, if:

1. the Department of Family and Protective Services ("DFPS") is appointed as the temporary or permanent managing conservator of the child;
2. the rights and duties of the DFPS to make decisions regarding education provided to the child under Section 153.371, Family Code, have not been limited by court order; and
3. the foster parent agrees to:
   a. participate in making special education decisions on the child's behalf; and
   b. complete a training program that complies with minimum standards established by the Texas Education Agency ("TEA") rule.

   (TEC §29.015(a))

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled admission, review, and dismissal ("ARD") committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions. (TEC §29.015(b))

Premier High Schools may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. the DFPS;
2. a school district;
3. an education service center; or
4. any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent under TEC §29.015 by an open-enrollment charter school may file a complaint with the TEA in accordance with federal law and regulations. (TEC §29.015(c))

Premier High Schools shall provide notice to the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including:

1. requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
2. ARD committee meetings;
3. manifestation determination reviews required by Section 37.004(b);

4.  any disciplinary actions under Chapter 37 for which parental notice is required;
5.  citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6.  reports of restraint and seclusion required by Section 37.0021; and
7.  use of corporal punishment as provided by Section 37.0011.

(TEC §25.007)

As a condition to receiving funds under Title I, Part A, Premier High Schools shall collaborate with the state or local child welfare agency to:

a.  ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S.C. 675(4)(A) and to the extent required by law; and

b.  ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, Premier High Schools will, to the extent required by law, provide transportation to the school of origin if:

    i.   the local child welfare agency agrees to reimburse Premier High Schools for the cost of transportation;
    ii.  Premier High Schools agrees to pay the cost of transportation; or
    iii. Premier High Schoolsand the local welfare agency agree to share the cost of such transportation.

*20 U.S.C. 6312(c)(5).*

## Sec. 2.     SEC. 6.21.2. SURROGATE PARENT

Premier High Schools must appoint an individual to serve as the surrogate parent for a child if:

1.  Premier High Schools is unable to identify or locate a parent for a child with a disability;
2.  the foster parent of a child is unwilling or unable to serve as a parent; or
3.  The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

A surrogate parent appointed by Premier High Schools may not:

1.  be an employee of the state, Premier High Schools, or any other agency involved in the education or care of the child; or
2.  have any interest that conflicts with the interests of the child.

A surrogate parent must:

1. be willing to serve in that capacity;
2. exercise independent judgement in pursuing the child's interests;
3. ensure that the child's due process rights under applicable state and federal laws are not violated;
4. complete a training program that complies with minimum standards established by agency rule before the next scheduled admission, review, and dismissal committee meeting for the child but not later than the 90th day after the date the surrogate parent is appointed;
5. visit the child and the school where the child is enrolled;
6. review the child's educational records;
7. consult with any person involved in the child's education, including the child's teachers, caseworkers, court-appointed volunteers, guardian ad litem, attorney ad litem, foster parent, and caregiver; and
8. attend meetings of the child's admission, review, and dismissal committee.

Premier High Schools may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate as the child's surrogate parent. As soon as practicable after appointing a surrogate parent Premier High Schools shall provide written notice of the appointment to the child's educational decision-maker and caseworker.

If a court appoints a surrogate parent for a child with a disability and the Premier High Schools determines that the surrogate parent is failing to perform or is not properly performing the duties listed in this policy, Premier High Schools shall consult with the DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child.