

## **BILL ANALYSIS**

C.S.H.B. 2823  
By: Eissler  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission to develop a memorandum of understanding establishing the responsibilities of each agency for providing the services necessary to transition students with disabilities outside the public school system.

Currently, federal requirements state that the Individualized Education Program (IEP) for each IDEA (Individuals with Disabilities Education Act) eligible student must include a statement of needed appropriate transition services beginning no later than age 16. The law also requires that a statement of transition service needs be included in the IEPs of the students with disabilities beginning at age 14.

The federal law permits a school district to simply incorporate transition planning into the student's regular IEP. The IEP must identify the other agencies, both participating agencies and other public agencies, to be involved in the student's transition from the school environment, although federal law does not mandate a separate document or separate meeting be held to set forth individual transition needs. A separate meeting often causes confusion as to the relative responsibilities of the school district to carry out its transition obligations and requires that teachers attend additional meetings for every student resulting in the use of additional resources of staff time as well as substitutes to cover teacher's classrooms who are participating in the meetings.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.011, Education Code) of this bill.

### **ANALYSIS**

C.S.H.B. 2823 amends the Education Code to require the commissioner of education to adopt procedures for compliance with requirements relating to transition services for students who are enrolled in special education programs. The bill deletes provisions relating to the Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission development of a memorandum of understanding establishing the responsibilities of each agency for providing the services necessary to transition students with disabilities outside the public school system.

The bill provides that the procedures must specify the manner in which a student's admission, review, and dismissal committee should address in the student's individualized education program any federal requirements, including:

- appropriate parent and student involvement, depending on the student's age, in the student's transition to life outside the public school system;
- any postsecondary education options;
- a functional vocational evaluation;

- employment goals and objectives;
- if the student is at least 18 years of age, age-appropriate instructional environments;
- independent living goals and objectives; and
- appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

The bill repeals Sections 29.011(b)-(e), Education Code, relating to the current provisions on transition planning.

This Act applies beginning with the 2003-2004 school year.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2823 modifies the original version by requiring the commissioner of education to adopt procedures for compliance with requirements relating to transition services for students who are enrolled in special education programs, rather than students at least 14 years of age and not older than 21 years of age. C.S.H.B. 2823 modifies the original version by adding appropriate parental involvement in the student's transition depending on whether the student is younger than 18, to the list of issues in the student's individualized education plan that the committee address.