

By: Allen

H.B. No. 4027

A BILL TO BE ENTITLED

AN ACT

relating to transition planning for a public school student enrolled in a special education program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.011, Education Code, is amended to read as follows:

Sec. 29.011. TRANSITION PLANNING. (a) The commissioner shall by rule adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this subchapter. The procedures must specify the manner in which a student's admission, review, and dismissal committee must consider ~~[7]~~ and appropriately ~~[if appropriate,]~~ address the following issues in the student's individualized education program:

(1) appropriate student involvement in the student's transition to life outside the public school system;

(2) if the student is younger than 18 years of age, appropriate ~~[parental]~~ involvement in the student's transition by the student's parents and other persons invited to participate by:

(A) the student's parents; or

(B) the school district in which the student is enrolled;

(3) if the student is at least 18 years of age, appropriate ~~[parental]~~ involvement in the student's transition and

1 future by the student's parents and other persons, if the parent or
2 other person:

3 (A) is invited to participate by the student or
4 the school district in which the student is enrolled; or

5 (B) has the student's consent to participate
6 pursuant to a supported decision-making agreement under Chapter
7 1357, Estates Code, or a similar agreement;

8 (4) appropriate [~~any~~] postsecondary education
9 options, including preparation for postsecondary-level coursework;

10 (5) an appropriate [~~a~~] functional vocational
11 evaluation;

12 (6) appropriate employment goals and objectives;

13 (7) if the student is at least 18 years of age, the
14 availability of age-appropriate instructional environments,
15 including community settings or environments that prepare the
16 student for postsecondary education or training, competitive
17 integrated employment, or independent living in coordination with
18 the student's transition goals and objectives;

19 (8) appropriate independent living goals and
20 objectives; [~~and~~]

21 (9) appropriate circumstances for facilitating the
22 referral of [~~referring~~] a student or the student's parents to a
23 governmental agency for services and public benefits, including
24 facilitating the referral of the student or the student's parents
25 to a governmental agency to place the student on a waiting list for
26 public benefits available to the student, such as a waiver program
27 established under Section 1915(c), Social Security Act (42 U.S.C.

1 Section 1396n(c)); and

2 (10) the use and availability of:

3 (A) appropriate supplementary aids, services,
4 curriculum, and other opportunities to assist the student in
5 developing decision-making skills; and

6 (B) appropriate supports and services to foster
7 the student's independence and self-determination, including a
8 supported decision-making agreement under Chapter 1357, Estates
9 Code.

10 (a-1) A student's admission, review, and dismissal
11 committee shall annually review the issues described by Subsection
12 (a) and, if necessary, update the portions of the student's
13 individualized education program that address those issues.

14 (a-2) The commissioner shall maintain on the agency's
15 Internet website a list of the services and public benefits
16 described by Subsection (a)(9).

17 (b) The commissioner shall require each school district or
18 shared services arrangement to designate at least one employee to
19 serve as the district's or shared services arrangement's designee
20 on transition and employment services for students enrolled in
21 special education programs under this subchapter. The commissioner
22 shall develop minimum training guidelines for a district's or
23 shared services arrangement's designee. An individual designated
24 under this subsection must provide information and resources about
25 effective transition planning and services, including each issue
26 described by Subsection (a), and interagency coordination to ensure
27 that local school staff communicate and collaborate with:

1 (1) students enrolled in special education programs
2 under this subchapter and the parents of those students; and

3 (2) as appropriate, local and regional staff of the:

4 (A) Health and Human Services Commission;

5 (B) Texas Workforce Commission [~~Department of~~
6 ~~Aging and Disability Services~~];

7 (C) [~~Department of Assistive and Rehabilitative~~
8 ~~Services~~];

9 [~~(D)~~] Department of State Health Services; and

10 (D) [~~(E)~~] Department of Family and Protective
11 Services.

12 (b-1) At least every four years, the commissioner shall
13 review and, if necessary, update the minimum training guidelines
14 described by Subsection (b). In reviewing the guidelines, the
15 commissioner shall solicit input from interested stakeholders.

16 SECTION 2. Sections 29.0112(b) and (e), Education Code, are
17 amended to read as follows:

18 (b) The transition and employment guide must be written in
19 plain language and contain information specific to this state
20 regarding:

21 (1) transition services;

22 (2) employment and supported employment services;

23 (3) social security programs;

24 (4) community and long-term services and support,
25 including information regarding placing the student on a waiting
26 list for public benefits available to the student from a
27 governmental agency, such as a waiver program established under

1 Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c));

2 (5) postsecondary educational programs and services,
3 including the inventory maintained by the Texas Higher Education
4 Coordinating Board under Section 61.0663;

5 (6) information sharing with health and human services
6 agencies and providers;

7 (7) guardianship and alternatives to guardianship,
8 including a supported decision-making agreement under Chapter
9 1357, Estates Code;

10 (8) self-advocacy, person-directed planning, and
11 self-determination; and

12 (9) contact information for all relevant state
13 agencies.

14 (e) A school district shall:

15 (1) post the transition and employment guide on the
16 district's website if the district maintains a website; ~~and~~

17 (2) provide written information and, if necessary,
18 assistance to a student or parent regarding how to access the
19 electronic version of the guide at:

20 (A) the first meeting of the student's admission,
21 review, and dismissal committee at which transition is discussed;
22 and ~~or~~

23 (B) the first committee meeting at which
24 transition is discussed that occurs after the date on which the
25 guide is updated; and

26 (3) on request, provide a printed copy of the guide to
27 a student or parent ~~[becomes available, if a student has already had~~

1 ~~an admission, review, and dismissal committee meeting discussing~~
2 ~~transition]~~.

3 SECTION 3. Section 29.017, Education Code, is amended by
4 amending Subsections (c) and (d) and adding Subsections (c-1),
5 (c-2), (e), (f), and (g) to read as follows:

6 (c) Not later than one year before the 18th birthday of a
7 student with a disability, the school district at which the student
8 is enrolled shall:

9 (1) provide to the student and the student's parents:

10 (A) written notice regarding the transfer of
11 rights under this section; and

12 (B) information and resources regarding
13 guardianship, alternatives to guardianship, including a supported
14 decision-making agreement under Chapter 1357, Estates Code, and
15 other supports and services that may enable the student to live
16 independently; and

17 (2) ensure that the student's individualized education
18 program includes a statement that the district provided the notice,
19 information, and resources required under Subdivision (1).

20 (c-1) In accordance with 34 C.F.R. Section 300.520
21 [~~300.517~~], the school district shall provide written notice to
22 ~~[notify]~~ the student and the student's parents of the transfer of
23 rights under this section. The notice must include the information
24 and resources described by Subsection (c)(1)(B).

25 (c-2) If a student with a disability or the student's parent
26 requests information regarding guardianship or alternatives to
27 guardianship from the school district at which the student is

1 enrolled, the school district shall provide to the student or
2 parent information and resources on supported decision-making
3 agreements under Chapter 1357, Estates Code.

4 (d) Nothing in this section prohibits a student from
5 entering into a supported decision-making agreement under Chapter
6 1357, Estates Code, after the transfer of rights under this
7 section.

8 (e) The commissioner shall develop a model form for use by
9 school districts in notifying students and parents under
10 Subsections (c) and (c-1). The commissioner shall post the form on
11 the agency's Internet website.

12 (f) The commissioner shall develop and update as necessary
13 the information and resources described by Subsections (c), (c-1),
14 and (c-2). The commissioner shall post the information and
15 resources on the agency's Internet website.

16 (g) The commissioner shall adopt rules implementing the
17 provisions of 34 C.F.R. Section 300.520(b) [~~300.517(b)~~].

18 SECTION 4. This Act applies beginning with the 2017-2018
19 school year.

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.