

By: Zaffirini

S.B. No. 748

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.