

1-1 By: Zaffirini S.B. No. 748  
 1-2 (In the Senate - Filed February 6, 2017; February 21, 2017,  
 1-3 read first time and referred to Committee on Education;  
 1-4 May 3, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 2; May 3, 2017, sent  
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt		X		
1-11 Campbell	X			
1-12 Hall	X			
1-13 Huffines		X		
1-14 Hughes	X			
1-15 Seliger	X			
1-16 Taylor of Collin	X			
1-17 Uresti	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 748 By: Uresti

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to transition planning for a public school student  
 1-24 enrolled in a special education program.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 29.011, Education Code, is amended to  
 1-27 read as follows:

1-28 Sec. 29.011. TRANSITION PLANNING. (a) The commissioner  
 1-29 shall by rule adopt procedures for compliance with federal  
 1-30 requirements relating to transition services for students who are  
 1-31 enrolled in special education programs under this subchapter. The  
 1-32 procedures must specify the manner in which a student's admission,  
 1-33 review, and dismissal committee must consider, and if appropriate,  
 1-34 address the following issues in the student's individualized  
 1-35 education program:

1-36 (1) appropriate student involvement in the student's  
 1-37 transition to life outside the public school system;

1-38 (2) if the student is younger than 18 years of age,  
 1-39 appropriate ~~parental~~ involvement in the student's transition by  
 1-40 the student's parents and other persons invited to participate by:

1-41 (A) the student's parents; or

1-42 (B) the school district in which the student is  
 1-43 enrolled;

1-44 (3) if the student is at least 18 years of age,  
 1-45 ~~appropriate parental~~ involvement in the student's transition and  
 1-46 future by the student's parents and other persons, if the parent or  
 1-47 other person:

1-48 (A) is invited to participate by the student or  
 1-49 the school district in which the student is enrolled; or

1-50 (B) has the student's consent to participate  
 1-51 pursuant to a supported decision-making agreement under Chapter  
 1-52 1357, Estates Code;

1-53 (4) appropriate ~~any~~ postsecondary education  
 1-54 options, including preparation for postsecondary-level coursework;

1-55 (5) an appropriate ~~a~~ functional vocational  
 1-56 evaluation;

1-57 (6) appropriate employment goals and objectives;

1-58 (7) if the student is at least 18 years of age, the  
 1-59 availability of age-appropriate instructional environments,  
 1-60 including community settings or environments that prepare the

2-1 student for postsecondary education or training, competitive  
 2-2 integrated employment, or independent living, in coordination with  
 2-3 the student's transition goals and objectives;  
 2-4 (8) appropriate independent living goals and  
 2-5 objectives; ~~and~~  
 2-6 (9) appropriate circumstances for facilitating a  
 2-7 referral of ~~referring~~ a student or the student's parents to a  
 2-8 governmental agency for services or public benefits, including a  
 2-9 referral to a governmental agency to place the student on a waiting  
 2-10 list for public benefits available to the student, such as a waiver  
 2-11 program established under Section 1915(c), Social Security Act (42  
 2-12 U.S.C. Section 1396n(c)); and  
 2-13 (10) the use and availability of appropriate:  
 2-14 (A) supplementary aids, services, curricula, and  
 2-15 other opportunities to assist the student in developing  
 2-16 decision-making skills; and  
 2-17 (B) supports and services to foster the student's  
 2-18 independence and self-determination, including a supported  
 2-19 decision-making agreement under Chapter 1357, Estates Code.  
 2-20 (a-1) A student's admission, review, and dismissal  
 2-21 committee shall annually review the issues described by Subsection  
 2-22 (a) and, if necessary, update the portions of the student's  
 2-23 individualized education program that address those issues.  
 2-24 (a-2) The commissioner shall develop and post on the  
 2-25 agency's Internet website a list of services and public benefits  
 2-26 for which referral may be appropriate under Subsection (a)(9).  
 2-27 (b) The commissioner shall require each school district or  
 2-28 shared services arrangement to designate at least one employee to  
 2-29 serve as the district's or shared services arrangement's designee  
 2-30 on transition and employment services for students enrolled in  
 2-31 special education programs under this subchapter. The  
 2-32 commissioner shall develop minimum training guidelines for a  
 2-33 district's or shared services arrangement's designee. An  
 2-34 individual designated under this subsection must provide  
 2-35 information and resources about effective transition planning and  
 2-36 services, including each issue described by Subsection (a), and  
 2-37 interagency coordination to ensure that local school staff  
 2-38 communicate and collaborate with:  
 2-39 (1) students enrolled in special education programs  
 2-40 under this subchapter and the parents of those students; and  
 2-41 (2) as appropriate, local and regional staff of the:  
 2-42 (A) Health and Human Services Commission;  
 2-43 (B) Texas Workforce Commission ~~[Department of~~  
 2-44 ~~Aging and Disability Services]~~;  
 2-45 (C) ~~[Department of Assistive and Rehabilitative~~  
 2-46 ~~Services;~~  
 2-47 ~~[(D)]~~ Department of State Health Services; and  
 2-48 ~~[(E)]~~ Department of Family and Protective  
 2-49 Services.  
 2-50 (c) The commissioner shall review and, if necessary, update  
 2-51 the minimum training guidelines developed under Subsection (b) at  
 2-52 least once every four years. In reviewing and updating the  
 2-53 guidelines, the commissioner shall solicit input from  
 2-54 stakeholders.  
 2-55 SECTION 2. Sections 29.0112(b) and (e), Education Code, are  
 2-56 amended to read as follows:  
 2-57 (b) The transition and employment guide must be written in  
 2-58 plain language and contain information specific to this state  
 2-59 regarding:  
 2-60 (1) transition services;  
 2-61 (2) employment and supported employment services;  
 2-62 (3) social security programs;  
 2-63 (4) community and long-term services and support,  
 2-64 including the option to place the student on a waiting list with a  
 2-65 governmental agency for public benefits available to the student,  
 2-66 such as a waiver program established under Section 1915(c), Social  
 2-67 Security Act (42 U.S.C. Section 1396n(c));  
 2-68 (5) postsecondary educational programs and services,  
 2-69 including the inventory maintained by the Texas Higher Education

3-1 Coordinating Board under Section 61.0663;

3-2 (6) information sharing with health and human services

3-3 agencies and providers;

3-4 (7) guardianship and alternatives to guardianship,

3-5 including a supported decision-making agreement under Chapter

3-6 1357, Estates Code;

3-7 (8) self-advocacy, person-directed planning, and

3-8 self-determination; and

3-9 (9) contact information for all relevant state

3-10 agencies.

3-11 (e) A school district shall:

3-12 (1) post the transition and employment guide on the

3-13 district's website if the district maintains a website; ~~and~~

3-14 (2) provide written information and, if necessary,

3-15 assistance to a student or parent regarding how to access the

3-16 electronic version of the guide at:

3-17 (A) the first meeting of the student's admission,

3-18 review, and dismissal committee at which transition is discussed;

3-19 and ~~or~~

3-20 (B) the first committee meeting at which

3-21 transition is discussed that occurs after the date on which the

3-22 guide is updated; and

3-23 (3) on request, provide a printed copy of the guide to

3-24 a student or parent ~~[becomes available, if a student has already had~~

3-25 ~~an admission, review, and dismissal committee meeting discussing~~

3-26 ~~transition]~~.

3-27 SECTION 3. Section 29.017, Education Code, is amended by

3-28 amending Subsections (c) and (d) and adding Subsections (c-1),

3-29 (c-2), (c-3), (e), and (f) to read as follows:

3-30 (c) Not later than one year before the 18th birthday of a

3-31 student with a disability, the school district at which the student

3-32 is enrolled shall:

3-33 (1) provide to the student and the student's parents:

3-34 (A) written notice regarding the transfer of

3-35 rights under this section; and

3-36 (B) information and resources regarding

3-37 guardianship, alternatives to guardianship, including a supported

3-38 decision-making agreement under Chapter 1357, Estates Code, and

3-39 other supports and services that may enable the student to live

3-40 independently; and

3-41 (2) ensure that the student's individualized education

3-42 program includes a statement that the district provided the notice,

3-43 information, and resources required under Subdivision (1).

3-44 (c-1) In accordance with 34 C.F.R. Section 300.520

3-45 [300.517], the school district shall provide written notice to

3-46 [notify] the student and the student's parents of the transfer of

3-47 rights under this section. The notice must include the information

3-48 and resources provided under Subsection (c)(1)(B).

3-49 (c-2) If a student with a disability or the student's parent

3-50 requests information regarding guardianship or alternatives to

3-51 guardianship from the school district at which the student is

3-52 enrolled, the school district shall provide to the student or

3-53 parent information and resources on supported decision-making

3-54 agreements under Chapter 1357, Estates Code.

3-55 (c-3) The commissioner shall develop and post on the

3-56 agency's Internet website a model form for use by school districts

3-57 in notifying students and parents as required by Subsections (c)

3-58 and (c-1). The form must include the information and resources

3-59 described by Subsection (c). The commissioner shall review and

3-60 update the form, including the information and resources, as

3-61 necessary.

3-62 (d) The commissioner shall develop and post on the agency's

3-63 Internet website the information and resources described by

3-64 Subsections (c), (c-1), and (c-2).

3-65 (e) Nothing in this section prohibits a student from

3-66 entering into a supported decision-making agreement under Chapter

3-67 1357, Estates Code, after the transfer of rights under this

3-68 section.

3-69 (f) The commissioner shall adopt rules implementing the

4-1 provisions of 34 C.F.R. Section 300.520(b) [~~300.517(b)~~].  
4-2 SECTION 4. This Act applies beginning with the 2018-2019  
4-3 school year.

4-4 SECTION 5. This Act takes effect immediately if it receives  
4-5 a vote of two-thirds of all the members elected to each house, as  
4-6 provided by Section 39, Article III, Texas Constitution. If this  
4-7 Act does not receive the vote necessary for immediate effect, this  
4-8 Act takes effect September 1, 2017.

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