

By: Zaffirini

S.B. No. 2177

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 a  
22 referral of [~~referring~~] a student or the student's parents to a  
23 governmental agency for services or public benefits, including a  
24 referral to a governmental agency to place the student on a waiting  
25 list for public benefits available to the student, such as a waiver  
26 program established under Section 1915(c), Social Security Act (42  
27 U.S.C. Section 1396n(c));

1           (10) the use and availability of appropriate:

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

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

8           (11) measurable postsecondary goals based on  
9 age-appropriate transition assessments related to training,  
10 education, employment, and, where appropriate, independent living  
11 skills, and any transition services, courses of study, or  
12 endorsements under Section 28.025(c-1) necessary to assist the  
13 student in achieving those goals; and

14           (12) coordination with any transition planning or  
15 services provided to the student by another state agency, including  
16 the Texas Workforce Commission and the Department of Family and  
17 Protective Services.

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

22           (a-2) The commissioner shall develop and post on the  
23 agency's Internet website a list of services and public benefits  
24 for which referral may be appropriate under Subsection (a)(9).

25           (b) The commissioner shall require each school district or  
26 shared services arrangement to designate at least one employee to  
27 serve as the district's or shared services arrangement's designee

1 on transition and employment services for students enrolled in  
2 special education programs under this subchapter. The  
3 commissioner shall develop minimum training guidelines for a  
4 district's or shared services arrangement's designee. An  
5 individual designated under this subsection must provide  
6 information and resources about effective transition planning and  
7 services, including each issue described by Subsection (a), and  
8 interagency coordination to ensure that local school staff  
9 communicate and collaborate with:

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

12 (2) ~~[as appropriate,]~~ local and regional staff of the:

13 (A) Health and Human Services Commission;

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

16 (C) ~~[Department of Assistive and Rehabilitative~~  
17 ~~Services,~~

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

19 (D) ~~[(E)]~~ Department of Family and Protective  
20 Services.

21 (c) The commissioner shall review and, if necessary, update  
22 the minimum training guidelines developed under Subsection (b) at  
23 least once every four years. In reviewing and updating the  
24 guidelines, the commissioner shall solicit input from  
25 stakeholders.

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

1 (b) The transition and employment guide must be written in  
2 plain language and contain information specific to this state  
3 regarding:

4 (1) transition services;

5 (2) employment and supported employment services that  
6 adhere to the employment-first policy adopted under Section  
7 531.02447, Government Code;

8 (3) social security programs, including the Ticket to  
9 Work Program authorized by the Ticket to Work and Work Incentives  
10 Improvement Act of 1999 (Pub. L. No. 106-170);

11 (4) community and long-term services and support,  
12 including the option to place the student on a waiting list with a  
13 governmental agency for public benefits available to the student,  
14 such as a waiver program established under Section 1915(c), Social  
15 Security Act (42 U.S.C. Section 1396n(c));

16 (5) postsecondary educational programs and services,  
17 including the inventory maintained by the Texas Higher Education  
18 Coordinating Board under Section 61.0663;

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

21 (7) guardianship and alternatives to guardianship,  
22 including a supported decision-making agreement under Chapter  
23 1357, Estates Code;

24 (8) self-advocacy, person-directed planning, and  
25 self-determination; ~~and~~

26 (9) mental health and wellness services;

27 (10) voting and civic engagement;

1           (11) financial independence, including information  
2 regarding special needs trusts, Medicaid buy-in programs  
3 implemented under Section 531.02444, Government Code, and the Texas  
4 Achieving a Better Life Experience (ABLE) Program under Subchapter  
5 J, Chapter 54 of this code; and

6           (12) contact information for all relevant state  
7 agencies.

8           (e) A school district shall:

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

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

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

17                   (B) the first committee meeting at which  
18 transition is discussed that occurs after the date on which the  
19 guide is updated; and

20           (3) on request, provide a printed copy of the guide to  
21 a student or parent ~~[becomes available, if a student has already had~~  
22 ~~an admission, review, and dismissal committee meeting discussing~~  
23 ~~transition]~~.

24           SECTION 3. Subchapter A, Chapter 29, Education Code, is  
25 amended by adding Sections 29.0113 and 29.0114 to read as follows:

26           Sec. 29.0113. COORDINATION OF PRE-EMPLOYMENT TRANSITION  
27 SERVICES. (a) The agency and the Texas Workforce Commission shall

1 enter into a memorandum of understanding regarding the coordination  
2 of pre-employment transition services provided to students with  
3 disabilities in accordance with Section 113, Rehabilitation Act of  
4 1973 (29 U.S.C. Section 733).

5 (b) The agency and the Texas Workforce Commission shall  
6 review and, if necessary, update the memorandum of understanding  
7 under Subsection (a) at least once every five years.

8 Sec. 29.0114. SUBMINIMUM WAGE EMPLOYMENT FOR STUDENTS WITH  
9 DISABILITIES. The commissioner shall adopt rules that comply with:

10 (1) the requirements under 34 C.F.R. Section 397.30  
11 relating to subminimum wage employment for students with  
12 disabilities; and

13 (2) the prohibition under 34 C.F.R. Section 397.31 on  
14 contractual or other arrangements to provide subminimum wage  
15 employment for students with disabilities.

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

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

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

23 (A) written notice regarding the transfer of  
24 rights under this section; and

25 (B) information and resources regarding  
26 guardianship, alternatives to guardianship, including a supported  
27 decision-making agreement under Chapter 1357, Estates Code, and

1 other supports and services that may enable the student to live  
2 independently; and

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

6 (c-1) In accordance with 34 C.F.R. Section 300.520  
7 [~~300.517~~], the school district shall provide written notice to  
8 [~~notify~~] the student and the student's parents of the transfer of  
9 rights under this section. The notice must include the information  
10 and resources provided under Subsection (c)(1)(B).

11 (c-2) If a student with a disability or the student's parent  
12 requests information regarding guardianship or alternatives to  
13 guardianship from the school district at which the student is  
14 enrolled, the school district shall provide to the student or  
15 parent information and resources on supported decision-making  
16 agreements under Chapter 1357, Estates Code.

17 (c-3) The commissioner shall develop and post on the  
18 agency's Internet website a model form for use by school districts  
19 in notifying students and parents as required by Subsections (c)  
20 and (c-1). The form must include the information and resources  
21 described by Subsection (c). The commissioner shall review and  
22 update the form, including the information and resources, as  
23 necessary.

24 (d) The commissioner shall develop and post on the agency's  
25 Internet website the information and resources described by  
26 Subsections (c), (c-1), and (c-2).

27 (e) Nothing in this section prohibits a student from

1 entering into a supported decision-making agreement under Chapter  
2 1357, Estates Code, after the transfer of rights under this  
3 section.

4 (f) The commissioner shall adopt rules implementing the  
5 provisions of 34 C.F.R. Section 300.520(b) [~~300.517(b)~~].

6 SECTION 5. This Act applies beginning with the 2017-2018  
7 school year.

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