

By: Zaffirini

S.B. No. 1759

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to an individualized education program and transition  
3 planning for a public school student enrolled in a special  
4 education program.

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

6 SECTION 1. Sections 29.005(b-1) and (e), Education Code,  
7 are amended to read as follows:

8 (b-1) The written statement of the individualized education  
9 program must document the decisions of the committee with respect  
10 to issues discussed at each committee meeting. The written  
11 statement must include:

12 (1) the date of the meeting;  
13 (2) the name, position, and signature of each member  
14 participating in the meeting; ~~and~~

15 (3) an indication of whether the student's ~~[child's]~~  
16 parents, the adult student, if applicable, and the administrator  
17 agreed or disagreed with the decisions of the committee; and

18 (4) if the student does not attend the meeting:

19 (A) a statement indicating the reason for the  
20 student's absence, if known; and

21 (B) a statement summarizing any goals or services  
22 requested by the student relating to the transition to life outside  
23 the public school system if the student is:

24 (i) 14 years of age or older; or

1                    (ii) younger than 14 years of age and  
2 appropriate transition planning under Section 29.011 has begun.

3            (e) The commissioner by rule may require a school district  
4 to include in the individualized education program of a student  
5 with autism or another pervasive developmental disorder any  
6 information or requirement determined necessary to ensure the  
7 student receives a free appropriate public education as required  
8 under the Individuals with Disabilities Education Act (20 U.S.C.  
9 Section 1400 et seq.), including information or requirements  
10 regarding consideration and, if appropriate, the:

11                    (1) facilitation of a referral of the student or the  
12 student's parents to a governmental agency for services or public  
13 benefits as described by Section 29.011(a)(9); and

14                    (2) development of the student's decision-making  
15 skills or fostering of the student's independence and  
16 self-determination as described by Section 29.011(a)(10).

17            SECTION 2. Section 29.011, Education Code, is amended by  
18 amending Subsection (a) and adding Subsection (a-3) to read as  
19 follows:

20            (a) The commissioner shall by rule adopt procedures for  
21 compliance with federal requirements relating to transition  
22 services for students who are enrolled in special education  
23 programs under this subchapter. The procedures must specify the  
24 manner in which a student's admission, review, and dismissal  
25 committee must consider, and if appropriate, address the following  
26 issues in the student's individualized education program:

27                    (1) [~~appropriate~~] student involvement and

1 participation in the student's transition to life outside the  
2 public school system;

3 (2) if the student is younger than 18 years of age,  
4 [~~appropriate~~] involvement and participation in any discussion or  
5 meeting concerning the student's transition by the student, the  
6 student's parents, and other persons invited to participate by:

7 (A) the student's parents; or

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

10 (3) if the student is at least 18 years of age,  
11 involvement in the student's transition and future by the student's  
12 parents and other persons, if the parent or other person:

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

15 (B) has the student's consent to participate  
16 pursuant to a supported decision-making agreement under Chapter  
17 [1357](#), Estates Code;

18 (4) appropriate postsecondary education options,  
19 including preparation for postsecondary-level coursework;

20 (5) an appropriate functional vocational evaluation;

21 (6) appropriate employment goals and objectives;

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

1           (8) appropriate independent living goals and  
2 objectives, including orientation and preparation for the use of  
3 local public or private transportation systems designed for the  
4 general public or for persons with disabilities;

5           (9) appropriate circumstances for facilitating a  
6 referral of a student or the student's parents to a governmental  
7 agency for services or public benefits, including for health care  
8 coverage or a referral to a governmental agency to place the student  
9 on a waiting list for public benefits available to the student, such  
10 as a waiver program established under Section 1915(c), Social  
11 Security Act (42 U.S.C. Section 1396n(c)); ~~and~~

12           (10) the use and availability of appropriate:

13                   (A) supplementary aids, services, curricula, and  
14 other opportunities to assist the student in developing  
15 decision-making skills; and

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

19           (11) appropriate coordination with any transition  
20 planning or services provided to the student by the following  
21 agencies, including by inviting those agencies to participate in  
22 the student's transition or future under Subdivision (2) or (3):

23                   (A) state agencies, including the Texas  
24 Workforce Commission, Health and Human Services Commission, or  
25 Department of Family and Protective Services; or

26                   (B) local agencies, including centers for  
27 independent living, local intellectual and developmental

1 disability authorities, or community-based mental health centers;  
2 and

3 (12) appropriate information on available services  
4 provided by the school district if the student will graduate from  
5 high school but not be awarded a high school diploma under Section  
6 28.025(c)(1).

7 (a-3) A school district that does not invite a state or  
8 local agency described by Subsection (a)(11) to participate in a  
9 student's transition or future under Subsection (a)(2) or (3) must  
10 include a statement in the student's individualized education  
11 program indicating the reason the agency was not invited to  
12 participate.

13 SECTION 3. Section 29.0112(b), Education Code, is amended  
14 to read as follows:

15 (b) The transition and employment guide must be written in a  
16 plain-language, student-friendly format [~~plain language~~] and  
17 contain information specific to this state regarding:

18 (1) transition services;

19 (2) employment and supported employment services that  
20 adhere to the employment-first policy adopted under Section  
21 531.02447, Government Code;

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

25 (4) community and long-term services and support,  
26 including the option to place the student on a waiting list with a  
27 governmental agency for public benefits available to the student,

1 such as a waiver program established under Section 1915(c), Social  
2 Security Act (42 U.S.C. Section 1396n(c));

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

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

8 (7) guardianship and alternatives to guardianship,  
9 including a supported decision-making agreement under Chapter  
10 1357, Estates Code;

11 (8) self-advocacy, person-centered and  
12 person-directed planning, and self-determination; ~~and~~

13 (9) public and private transportation systems,  
14 including options designed for persons with disabilities;

15 (10) health care services and coverage, including the  
16 process for transitioning to adult health care;

17 (11) mental health and wellness services;

18 (12) voting and civic engagement;

19 (13) financial literacy, including plain-language  
20 information and curricula that promotes the understanding and  
21 effective management of financial resources for a lifetime of  
22 financial well-being;

23 (14) available programs that promote employment and  
24 financial independence, including:

25 (A) special needs trusts;

26 (B) the Texas Achieving a Better Life Experience  
27 (ABLE) Program under Subchapter J, Chapter 54, authorized under

1 Section 529A, Internal Revenue Code of 1986;

2 (C) the Medicaid buy-in programs implemented  
3 under Section 531.02444, Government Code; and

4 (D) other work incentive programs; and

5 (15) contact information for all relevant state  
6 agencies.

7 SECTION 4. Subchapter A, Chapter 29, Education Code, is  
8 amended by adding Section 29.0113 to read as follows:

9 Sec. 29.0113. SUBMINIMUM WAGE EMPLOYMENT FOR STUDENTS WITH  
10 DISABILITIES. The commissioner shall adopt rules that comply with:

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

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

17 SECTION 5. Section 352.108, Labor Code, is amended by  
18 amending Subsections (b), (d), and (e) and adding Subsection (f) to  
19 read as follows:

20 (b) The commission and the Texas Education Agency shall  
21 collaborate to develop a mechanism to identify the areas of the  
22 state with the greatest needs for transition services for students  
23 with disabilities. The mechanism must account for the commission's  
24 limited resources and a public school's [~~school-district's~~] needs,  
25 including:

26 (1) the school's [~~school-district's~~] resources for  
27 special education;

1           (2) the number of students with disabilities in the  
2 school [~~district~~]; and

3           (3) other factors that the commission and the Texas  
4 Education Agency consider important.

5           (d) The commission shall develop uniform, statewide  
6 policies for transition services that include:

7           (1) the goal that a transition counselor initiate  
8 contact with a student approximately three years before the student  
9 is expected to graduate from high school;

10           (2) the minimum level of services to be provided to a  
11 student at the time that a transition counselor initiates contact  
12 with the student;

13           (3) standards, based on the mechanism developed under  
14 Subsection (b), for assigning a transition counselor to a public  
15 school that ensure consistency among regions but that are not too  
16 restrictive;

17           (4) expectations for transition counselors to develop  
18 relationships with public school personnel, including the employee  
19 designated to serve as the school's [~~school district's~~] designee on  
20 transition and employment services under Section 29.011(b),  
21 Education Code; and

22           (5) expectations for regional commission staff to work  
23 with education service center representatives on a regular basis to  
24 identify areas of greatest need and to discuss local strategies for  
25 coordination between transition counselors and public schools.

26           (e) The commission and the Texas Education Agency shall  
27 enter into a memorandum of understanding to comply with the



1 policies under this section and to improve coordination between the  
2 agencies. The memorandum of understanding must include:

3 (1) strategies to better inform transition clients,  
4 clients' families, and public school personnel regarding the  
5 commission's available services, including by:

6 (A) providing [~~and~~] contact information for  
7 commission transition counselors; and

8 (B) ensuring public schools provide commission  
9 transition counselors with timely access to students with  
10 disabilities and the students' parents or guardians to discuss the  
11 commission's available services and the role of commission  
12 transition counselors;

13 (2) a process to be used by the commission and the  
14 Texas Education Agency to develop and update the mechanism used to  
15 identify students who may need services; and

16 (3) strategies to promote the development,  
17 coordination, provision, and evaluation of pre-employment  
18 transition services provided to students with disabilities in  
19 accordance with Section 113, Rehabilitation Act of 1973 (29 U.S.C.  
20 Section 733).

21 (f) The commission and the Texas Education Agency shall  
22 review and, if necessary, update the memorandum of understanding  
23 under Subsection (e) at least once every four years. In conducting  
24 the review, the commission and the Texas Education Agency shall  
25 solicit input from the continuing advisory committee appointed  
26 under Section 29.006, Education Code, and the Rehabilitation  
27 Council of Texas.

1           SECTION 6. This Act applies beginning with the 2019-2020  
2 school year.

3           SECTION 7. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.