

BILL ANALYSIS

H.B. 5146
By: Raney
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Constituents in House District 14 and nonprofit organizations have raised concerns regarding the lack of inclusive postsecondary education comprehensive transition programs for individuals with intellectual and developmental disabilities in Texas, resulting in many students seeking programs outside of Texas or not accessing programs at all. Two of the five comprehensive transition programs in Texas are four-year programs, which follow traditional college experiences and provide curricular supports to enhance knowledge, skills, and preparation for competitive employment. Currently, only five percent of students with intellectual and development disabilities are employed in competitive jobs in Texas, according to the Texas Workforce Investment Council, and research published in the *Journal of Postsecondary Education and Disability* shows that 72 percent of graduates from comprehensive transition programs obtain a job within two years of completing the program. Additionally, 91 percent of graduates of those programs report being satisfied with their social life.

H.B. 5146 seeks to expand opportunities for students with intellectual and developmental disabilities relating to postsecondary education, competitive employment, and independent living by providing for the administration of the building better futures program to facilitate the delivery of educational and occupational skills training opportunities and support services to these students.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

H.B. 5146 amends the Education Code to require the Texas Higher Education Coordinating Board (THECB) to administer the building better futures program for the purpose of facilitating the delivery by public, private, and independent institutions of higher education of educational and occupational skills training opportunities and support services to students with intellectual and developmental disabilities in an inclusive and age-appropriate environment.

H.B. 5146 requires the THECB to adopt any rules necessary to implement the program as soon as practicable after the bill's effective date and authorizes the THECB to develop a competitive application process for the award of funds to eligible institutions under the program. The bill exempts a program or course offered under the program from requirements relating to THECB

approval of academic programs, the transfer of credits, and a THECB-recommended core curriculum.

H.B. 5146 requires an institution to meet the following criteria to be eligible to participate in the program:

- be approved by or awaiting approval from the U.S. Department of Education to offer a comprehensive transition and postsecondary program for students with intellectual or developmental disabilities;
- develop and implement a selective admissions process to select eligible students for admission to the institution's comprehensive transition and postsecondary program;
- award a certificate to each student who successfully completes the program at the institution; and
- may not allow credit hours completed under the program to be transferred toward an associate or baccalaureate degree program.

The bill requires the THECB to establish criteria to ensure that each eligible institution that has requested but not yet received approval from the U.S. Department of Education for the institution's comprehensive transition and postsecondary program obtains that approval not later than the third anniversary of the date the institution is initially selected by the THECB for participation in the program.

H.B. 5146 requires a student applicant to meet the following criteria to be eligible to participate in the program:

- apply for admission to a comprehensive transition and postsecondary program, or a program that is awaiting approval from the U.S. Department of Education as such a program, at an eligible institution;
- be a citizen or a lawful permanent U.S. resident;
- be a Texas resident, except that a nonresident applicant may be eligible only if an opening is available after all resident applicants are admitted;
- have an intellectual or developmental disability diagnosed by an individual qualified by license or statute to make such a diagnosis;
- be able and willing to learn and participate in an inclusive classroom and work setting; and
- not be a danger to the applicant's self or others, as determined by the accepting institution.

The bill requires an applicant's submission of a copy of the applicant's lawful permanent resident form, if applicable, and authorizes an eligible institution to require an applicant or the applicant's parent or guardian to provide proof of residency as evidenced by one of the documents specified by the bill.

H.B. 5146 authorizes the THECB to award funds under the program only to eligible institutions to be used by those institutions for the program's established purpose and authorizes the THECB to use any available revenue, including legislative appropriations, and to solicit and accept gifts, grants, and donations from a public or private source for the purposes of the program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.