

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, and 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;

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)); and

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

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

15 (b) The commissioner shall require each school district
16 or shared services arrangement to designate at least one employee
17 to serve as the district's or shared services arrangement's
18 designee on transition and employment services for students
19 enrolled in special education programs under this subchapter. The
20 commissioner shall develop minimum training guidelines for a
21 district's or shared services arrangement's designee. An
22 individual designated under this subsection must provide
23 information and resources about effective transition planning and
24 services, including each issue described by Subsection (a), and
25 interagency coordination to ensure that local school staff
26 communicate and collaborate with:

27 (1) students enrolled in special education programs

1 under this subchapter and the parents of those students; and

2 (2) as appropriate, local and regional staff of the:

3 (A) Health and Human Services Commission;

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

6 (C) [~~Department of Assistive and Rehabilitative~~
7 ~~Services~~];

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

9 (D) [~~(E)~~] Department of Family and Protective
10 Services.

11 (c) The commissioner shall review and, if necessary, update
12 the minimum training guidelines developed under Subsection (b) at
13 least once every four years. In reviewing and updating the
14 guidelines, the commissioner shall solicit input from
15 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 the option to place the student on a waiting list with a
26 governmental agency for public benefits available to the student,
27 such as a waiver program established under Section 1915(c), Social

1 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), (c-3), (e), and (f) 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 provided under 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 (c-3) The commissioner shall develop and post on the
5 agency's Internet website a model form for use by school districts
6 in notifying students and parents as required by Subsections (c)
7 and (c-1). The form must include the information and resources
8 described by Subsection (c). The commissioner shall review and
9 update the form, including the information and resources, as
10 necessary.

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

14 (e) Nothing in this section prohibits a student from
15 entering into a supported decision-making agreement under Chapter
16 1357, Estates Code, after the transfer of rights under this
17 section.

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

20 SECTION 4. This Act applies beginning with the 2018-2019
21 school year.

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

S.B. No. 748

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 748 passed the Senate on May 9, 2017, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 748 passed the House on May 24, 2017, by the following vote: Yeas 143, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor