

BILL ANALYSIS

S.B. 748
By: Zaffirini
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that the Education Code is in need of certain updates with regard to transition planning for public school students enrolled in a special education program to reflect recent related legislation and prevent these students and their families from being given incomplete or incorrect information. S.B. 748 seeks to provide those updates.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 748 amends the Education Code with regard to transition planning for a public school student enrolled in a special education program to revise the issues such a student's admission, review, and dismissal (ARD) committee is required to consider and, if appropriate, address in the student's individualized education program (IEP) in the manner specified by procedures adopted by the commissioner of education for compliance with federal requirements relating to transition services for such students as follows:

- includes appropriate involvement in the transition for a student younger than 18 years of age by persons other than the student's parents who are invited to participate by the student's parents or the public school district in which the student is enrolled;
- for a student who is at least 18 years of age, replaces appropriate parental involvement in the student's transition if the parent is invited to participate by the student or the district in which the student is enrolled with involvement in the student's transition and future by the student's parents and other persons if the parent or other person is so invited or has the student's consent to participate under an agreement made under the Supported Decision-Making Agreement Act;
- specifies that the issue of appropriate postsecondary education options includes preparation for postsecondary-level coursework and that the issue of the availability of age-appropriate instructional environments for a student who is at least 18 years of age includes community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living in coordination with the student's transition goals and objectives;
- changes the issue concerning appropriate circumstances for referring a student or the student's parents to a governmental agency for services to appropriate circumstances for

facilitating a referral of the student or parents to a governmental agency for services or for public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under certain provisions of the federal Social Security Act; and

- includes as an issue the use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and appropriate supports and services to foster the student's independence and self-determination, including a supported decision-making agreement.

S.B. 748 requires a student's ARD committee to review annually the issues the committee must consider and address for transition planning purposes and, if necessary, to update the portions of the student's IEP that address those issues. The bill specifies that the information and resources about effective transition planning and services provided by a district's or shared services arrangement's applicable designee includes each such issue. The bill includes local and regional staff of the Texas Workforce Commission among the persons with whom such a designee must ensure that local school staff communicate and collaborate, as appropriate, and requires the commissioner to review and, if necessary, update the minimum training guidelines for a designee at least once every four years and to solicit input from stakeholders in reviewing and updating the guidelines. The bill requires the commissioner of education to develop and post on the Texas Education Agency (TEA) website a list of services and public benefits for which referral of a student or the student's parents to a governmental agency may be appropriate.

S.B. 748 specifies that the transition and employment guide developed by TEA for special education students and their parents must be written in plain language, that information in the guide regarding community and long-term services and support includes the option to place the student on a waiting list with a governmental agency for public benefits available to the student, such as a waiver program established under certain provisions of the Social Security Act, and that information in the guide regarding guardianship and alternatives to guardianship includes a supported decision-making agreement. The bill requires a district to provide written information and, if necessary, assistance regarding how to access the electronic version of the guide to a student, in addition to a parent, and changes the time at which a district is required to do so from the first meeting of the student's ARD committee at which transition is discussed or the first committee meeting that occurs after the date the guide becomes available, if a student has already had an ARD committee meeting discussing transition, to the first ARD meeting at which the transition is discussed and the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. The bill requires a district to provide a printed copy of the guide on request to a student or parent.

S.B. 748 requires the district at which a student with a disability is enrolled, not later than one year before the student's 18th birthday, to provide to the student and the student's parents written notice regarding the transfer of parental rights to the student at the age of majority and information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that may enable the student to live independently and to ensure that the student's IEP includes a statement that the district provided the required notice, information, and resources. The bill specifies that a district's notification of a student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under applicable law and of such a student's parents of the transfer of parental rights in accordance with certain federal regulations is the provision of written notice and requires that notice to include the same information and resources regarding supports and services that may enable the student to live independently that are required to accompany the notice issued before the student's 18th birthday.

S.B. 748 requires a district, if a student with a disability who is enrolled at the district or the student's parent requests information regarding guardianship or alternatives to guardianship, to provide to the student or parent information and resources on supported decision-making

agreements under the Supported Decision-Making Agreement Act. The bill requires the commissioner to develop and post on the TEA website a model form for use by districts in notifying students and parents of the transfer of parental rights at the age of majority; requires the form to include the requisite information and resources regarding guardianship, alternatives to guardianship, and other relevant supports and services; and requires the commissioner to review and update the form, including the information and resources, as necessary. The bill requires the commissioner to develop and post on the TEA website the information and resources required by the bill regarding guardianship, alternatives to guardianship, and other relevant supports and services, including the information and resources on supported decision-making agreements required to be provided to a student or parent requesting information regarding guardianship or alternatives to guardianship. The bill establishes that nothing in provisions relating to the transfer of parental rights at the age of majority prohibits a student from entering into a supported decision-making agreement after the transfer of parental rights.

S.B. 748 applies beginning with the 2018-2019 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.