

SUBJECT: Transition and employment services for special education students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Eissler, Allen, Aycock, Shelton, T. Smith, Strama, Weber

0 nays

4 absent — Hochberg, Dutton, Guillen, Huberty

SENATE VOTE: On final passage, April 29 — 29-2 (Birdwell, Hegar)

WITNESSES: No public hearing

BACKGROUND: The federal Individuals with Disabilities Education Act (IDEA) of 2004 was created to ensure that every child with a disability received a free public education appropriate to meet their individualized needs. It was also created to assist states and other entities with providing education for students with disabilities, and requires that transition services for students begin no later than age 16.

Subch. A of ch. 29 of the Texas Education Code governs special education programs in public schools. Sec. 29.011 covers transition planning for students enrolled in special education programs as they move to life outside of the public school system. The commissioner of education is required to create rules to outline procedures for Texas schools to comply with federal requirements for transition services. The procedures have to detail how a student's admission, review, and dismissal committee has to consider and address the following issues in the student's individualized education program:

- suitable student involvement in the transition to life outside the public school system;
- suitable parent involvement in the transition, if the student is younger than 18 or the parent is invited to participate;
- options for postsecondary education;
- a functional vocational evaluation;
- goals and objectives of employment;

- availability of age-appropriate instructional environments for students at least 18;
- goals and objectives of independent living; and
- circumstances under which a student or the student's parents should be referred to a governmental agency for services.

DIGEST:

Transition planning. SB 35 would require transition planning to begin at age 14 for Texas students with disabilities. The commissioner would have to require each school district to designate a transition-focused employee for the school district or for a shared service arrangement. Minimum guidelines for training the designee would have to be developed by the commissioner. The designee would be required to provide information and resources about transition planning, services, and interagency coordination to ensure that school staff worked with students and parents, and as needed, the local and regional staff of the:

- Health and Human Services Commission (HHSC);
- Department of Aging and Disability Services;
- Department of Assistive and Rehabilitative Services;
- Department of State Health Services, and
- Department of Family and Protective Services.

Transition and employment guide. The Texas Education Agency (TEA) would have to work with the HHSC to create a guide addressing transition and employment for students and their parents. The guide would have to include information on services and programs in Texas that assisted in the transition process. TEA would be allowed to contract with a private entity to create the guide, which would have to be available on TEA's website in an electronic format. The agency would have to update the guide at least biennially. The guide would have to include information specific to Texas in areas including, but not limited to:

- transition services;
- employment and supported employment services;
- social security programs;
- community and long-term services and support; and
- postsecondary educational programs and services.

School districts would be required to post the guide on their websites. Districts would have to provide written information and any necessary

assistance to parents regarding how to access the online guide at the first meeting of the student's admission, review, and dismissal committee that addressed transition.

TEA, in conjunction with HHSC, would be required to complete the transition and employment guide by September 1, 2012. School districts would have to meet their requirements regarding the guide on the date the guide became available.

SB 35 would apply to the 2011-2012 school year. It would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

SB 35 would improve transition services for students with disabilities in Texas public schools. More effective transition services would both increase the probability of these students obtaining employment after high school and decrease dropout rates. TEA reports that 5,507 students with disabilities dropped out of Texas high schools in the 2008-09 school year. By requiring transition services earlier in students' careers, schools and parents would be better able to prepare students to function effectively after high school. Students with disabilities would also be more informed of postsecondary options and therefore could be more motivated to complete high school.

SB 35 would not create an unfunded mandate for school districts. Additional staff or personnel would not necessarily need to be hired to fill the transition designee position. Information that would be included in the transition and employment guide currently exists, but needs to be put into a more accessible format. By clarifying the shared goals between parents and school districts, the bill would ensure that information currently required by law would be disseminated more effectively. SB 35 simply would ensure that parents had access to a particular point of contact and to information regarding transition planning for students with disabilities.

The bill would assist students and families greatly by requiring that each district have a designated employee to facilitate transition and employment services. Parents would be more informed about transition services and would in turn become more involved with the school districts in preparing students for life outside of high school. As a result of SB 35, well-prepared adults with disabilities would have more options upon

graduation, would be employable, and would not be as dependent upon state services.

Postsecondary career planning opportunities often are available to traditionally developing students as early as 13 years of age. Additionally, many school districts across the state already begin transition planning prior to students turning age 14. SB 35 would create equal access to post-secondary planning for students with disabilities across the state and would allow for similar treatment between students with disabilities and traditionally developing students.

**OPPONENTS
SAY:**

SB 35 would create an unfunded mandate for Texas public school districts that they currently cannot afford. The bill would require school districts to appoint additional personnel and deal with increased administrative issues. Since the current federally mandated age to begin transition planning is sufficient, the added requirements under the bill would place unnecessary burdens on school district staff and resources.