

SUBJECT: Transition services for students enrolled in special education programs

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, K. King, Ratliff, J. Rodriguez, Villarreal

0 nays

1 absent — Huberty

WITNESSES: For — Brenda Fox and Cindy Morris, The ARC of The Gulf Coast; Jeff Miller, Disability Rights Texas; Jennifer Morris; Cara Schwartz, Texas Council of Administrators of Special Education; Rona Statman and Deborah Vaughn, The ARC of Texas; (*Registered, but did not testify*: Portia Bosse, Texas State Teachers Association; Miryam Bujanda, Methodist Healthcare Ministries; Monty Exter, Association of Texas Professional Educators; Eileen Garcia, Texans Care for Children; Dwight Harris and Ted Melina Raab, Texas AFT; Tanya Lavelle, East Seals Central Texas)

Against — None

On — (*Registered, but did not testify*: David Anderson and Gene Lenz, Texas Education Agency; Jim Hanophy, Department of Assistive and Rehabilitative Services)

BACKGROUND: Education Code, sec. 29.011 requires the commissioner of education to adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs. The procedures must consider and address, if appropriate, issues related to the student's transition to life outside the public school system, including postsecondary education options, vocational evaluation, employment goals, independent living goals, and referrals to government services.

SB 1788 by Patrick, enacted in 2011 by the 82nd Legislature, requires that transition planning begin no later than a student's 14th birthday.

DIGEST:

HB 617 would charge the commissioner of education with requiring all school districts during the 2013-14 school year to designate at least one employee to serve as the district's designee on transition and employment services for students enrolled in special education programs. The same requirement would apply to districts that had entered into an agreement to jointly operate their special education programs. The commissioner would develop minimum training guidelines for the designees.

The designee would have to provide information and resources about effective transition planning and services and interagency coordination to ensure that local school staff communicated and collaborated with students enrolled in special education programs and their parents and, as appropriate, with local and regional staff of various state health and human services agencies.

The bill also would require the Texas Education Agency (TEA), with assistance from the Health and Human Services Commission, to develop a transition and employment guide by September 1, 2014 for students enrolled in special education and their parents with information on:

- transition services;
- employment and supported employment services;
- social security programs;
- community and long-term services;
- postsecondary educational programs and services;
- information sharing with health and human services agencies and providers;
- guardianship and alternatives to guardianship;
- self-advocacy, person-directed planning, and self-determination; and
- contact information for all relevant state agencies.

TEA could contract with a private entity to prepare the guide, which would be updated at least once every two years and posted on TEA's website in an easily accessible manner. School districts also would be required to post the guide on their websites and provide written information, and, if necessary, assistance to a parent on how to access the electronic version of the guide. This information would be provided at the first meeting of the student's admission, review, and dismissal (ARD) committee at which transition was discussed or at the first committee meeting that occurred after the guide became available.

The bill 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, 2013.

**SUPPORTERS
SAY:**

HB 617 would improve transition services and increase the likelihood of students with disabilities gaining employment and post-secondary opportunities after they graduated from high school. While some districts do a good job of preparing students enrolled in special education programs for adult living, other districts fail to offer meaningful transition services or supported employment opportunities. The bill would help ensure consistent services for all students no matter where they attended school.

The bill would require school districts to designate an employee to be the district's designee on transition and employment services. This would help parents by providing a clear point of contact within the district on their child's transition plan. The transition designee likely would not be a new full-time employee because most districts already have someone performing this function as a vocational or guidance counselor, an educational diagnostician, a vocational teacher, or another suitable position.

The transition and employment guide required by the bill would help parents and students by compiling existing information now scattered among different resources and agencies into one document. Having a standard transition guide with information about state services for adults with disabilities would help school officials provide better information to students and their families. Districts would be able to add specific information about local programs, if applicable.

Publishing the guide on the websites of TEA and school districts would make it easier for families to access the various services available to them. TEA said that any costs to compile the guide could be absorbed by federal funds for special education services without a significant impact to agency operations.

The 2010 American Community Survey reported a staggering unemployment rate of 38.2 percent for workers with disabilities in Texas. Many adults with disabilities want to work but do not have support to find and retain employment. If students' interests and strengths were identified and services for obtaining and maintaining meaningful employment were

provided to them, the unemployment rate for youth with disabilities could be reduced.

There are waiting lists for many programs that serve individuals with disabilities. It is important for families to identify appropriate services and get their children on the waiting lists early.

**OPPONENTS
SAY:**

School districts already are required to provide transition services to students enrolled in special education programs. Although HB 617 would not require districts to hire new staff, it would require additional duties and possibly training. The bill also would create additional work for TEA at a time when the Sunset Commission reported that budget cuts have left the agency with insufficient resources to carry out its current duties.

**OTHER
OPPONENTS
SAY:**

The bill should require TEA to translate the guide into Spanish to ensure that translation costs were incurred once at the state level instead of multiple times in individual districts.

NOTES:

The identical companion bill, SB 37 by Zaffirini, was referred to the Senate Education Committee on January 28. A duplicate bill, HB 673 by Ratliff, was referred to the House Public Education Committee on February 18.