S.B. 748: Modernizing Transition Planning

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Modernized Transition Planning

Overview

- Senate Bill 748 (85th Texas Legislature)
- Current Statutes Amended
- Responsibilities
- What is “Appropriate?”
- Supported Decision-Making
- TEA Model Form and Resources
- Takeaways for LEAs
Senate Bill 748
(85th Texas Legislature)
Applied Beginning with the 2018-2019 School Year
“Supported decision-making agreements (SDMAs) are recognized in courts as a viable alternative for guardianship.”
“They are not, however, recognized by the Texas Education Code as a means for parents of students in special education to be involved in decisions relating to the child’s education plan after the child becomes an adult (e.g., turns 18).”
“Because Texas law only lists guardianship explicitly as a tool for parents of children with disabilities to maintain a decision-making role in their child’s education after the child becomes an adult, schools may default to advising parents of children with disabilities to become their child’s guardian when an SDMA might be more appropriate.”
“...modernizes the Education Code to recognize SDMAs as an alternative to guardianship and maximizes the autonomy of persons with disabilities. What’s more, it requires a more comprehensive guide for school districts relating to transition planning.”
“...amends current law relating to transition planning for a public school student enrolled in a special education program.”
S.B. 748 Rollout

Passed by the 85th Texas Legislature on May 24, 2017

Signed into law on June 9, 2017

Revised rules applied beginning SY 2018-2019

- Amends TEC §29.011, TEC §29.0112, and TEC §29.017
- Went into effect on the day it was signed (2/3 majority)
S.B. 748 Responsibilities

Commissioner/TEA

Transition and Employment Designee (TED)

Admission, Review, and Dismissal (ARD) Committee Meeting

Local Education Agencies (LEAs)
Commissioner/TEA Responsibilities

- Transition and Employment Guide revised
- TED Training updated every 4 years, with input from stakeholders
- Post a model form for transfer of rights
- Develop and post list of the required information and resources regarding services and public benefits
• All transition planning components listed in TEC §29.011
ARD Meeting Responsibilities
(must consider, and if appropriate, address in the IEP)

• Self-Determination Skills
• SDMA/Supporter
• “Appropriate”
• Review and Update Transition Planning
• Share T&E Guide
LEA Responsibilities

- Self-Determination Curricula
- SDMA
- T&E Guide
- Transfer of Rights Notices
Current Statutes Amended
Current Statutes Amended

- Texas Education Code (TEC) §29.011 (Transition Planning)
  - Texas Administrative Code (TAC) §89.1055 (Content of the IEP)

- TEC §29.0112 (Transition and Employment Guide)

- TEC §29.017 (Transfer of Parental Rights at Age of Majority)
  - TAC §89.1049 (Parental Rights Regarding Adult Students)
Responsibilities
Previous rule:

- Provide information and resources about transition planning and services and interagency coordination

Additional requirements:

- ...Including each issue listed in 29.011(a)
- “DARS” changed to “TWC”
Previous rule:

- Student/parent involvement
- Age-appropriate instructional environments
- Referral to agency
- Share information about T&E Guide

Additional requirements:

- Supporter per SDMA/other persons invited by school/family
- “Appropriate…”
- Community settings (think 18+)
- Facilitating a referral to agencies & waiting lists for waiver programs, etc.
- Supplementary aids, services, curricula, and other opportunities to develop decision-making skills
- Supports and services to foster the independence and self-determination, including a supported decision-making agreement
- Share information about revised T&E Guide
- IEP includes a statement that LEA provided notice and required information/resources at least one year before 18th birthday

\(^{1}\text{TEC §29.011} \quad ^{2}\text{TEC§29.0112} \quad ^{3}\text{TEC §29.017}\)
Previous rule:

- Designate a TED
- Post T&E Guide to website
- Provide written info and assist parent
- Provide notice of transfer of rights

Additional requirements:

- Assist student or parent in accessing T&E Guide
- Provide printed copy of T&E Guide on request
- Share revised T&E Guide at ARD
- Provide information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement
- Provide written notice regarding transfer of rights, including information and resources for guardianship and alternatives, supports and services “that may enable the student to live independently”
- IEP must include a statement that the district provided the notice, information, and resources

1TEC §29.011  2TEC §29.0112  3TEC §29.017
Texas Transition and Employment Guide

- Written in plain language
- Include information about waiver programs and waiting lists
- Include information about supported decision-making agreements under alternatives to guardianship
What is “Appropriate”?
What is “Appropriate?”

- Emphasis on the **appropriateness** of transition planning
- ARD must “consider, and if appropriate, address” the issues in 29.011(a)
- Appropriate student involvement
“Appropriate” Language Added to TEC §29.011

- Involvement in transition planning by the student’s parents AND other persons, such as a supporter per SDMA, or invited by student/parent/school
- Postsecondary education options, including preparation for postsecondary-level coursework
- Functional vocational evaluation
- Employment goals and objectives
- Age-appropriate instructional environments for students 18 years and older, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with student’s transition goals and objectives
Independent living goals and objectives

Circumstances for **facilitating a referral** to the governmental agency for services **or public benefits...waiting list...waiver program**

**Use and availability of appropriate**

- supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills
- supports and services to foster independence and self-determination, including a Supported Decision-Making Agreement
Supported Decision-Making
SB 748 and Supported Decision-Making Agreements

- Transition Planning (TEC §29.011)
- Transition and Employment Guide (TEC §29.0112)
- Transfer of Parental Rights at Age of Majority (TEC §29.017)

SUPPORTED DECISION-MAKING
Chapter 1357, Estates Code

“...a process of supporting and accommodating an adult with a disability to enable the adult to make life decisions, including decisions related to where the adult wants to live, the services, supports, and medical care the adult wants to receive, whom the adult wants to live with, and where the adult wants to work, without impeding the self-determination of the adult.”

“...an agreement between an adult with a disability and a supporter...”
TEA Model Form and Resources
TEXAS EDUCATION AGENCY: TRANSITION

https://tea.texas.gov/interiorpage.aspx?id=2147496883

LEGAL FRAMEWORK

TAKEAWAYS FOR LEAs
Requires the ARD to annually review the issues designated in statute and to update a student’s IEP, if necessary.
Requires a school district, not later than one year before the 18th birthday of a student with a disability, to provide to the student and parents:

- Written notice regarding transfer of rights 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.

- Ensure that the student’s IEP includes a statement that the district provided the written notice.
Requires a school district to provide information regarding guardianship or alternatives to guardianship, if the student or the student’s parent request it.
Questions?

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Thank-you for your attention today!