



S.B. 748: Modernizing Transition Planning

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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).”

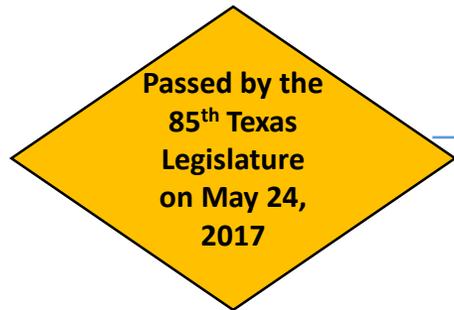
“Because Texas law only lists guardianship explicitly as a tool for parents of children with disabilities to maintain a decision-making role in their child’s education after the child becomes an adult, schools may default to advising parents of children with disabilities to become their child’s guardian when an SDMA might be more appropriate.”

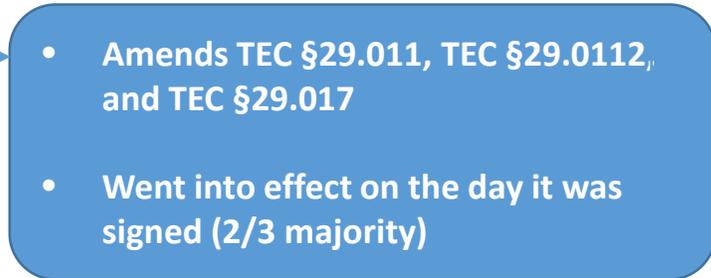
“...modernizes the Education Code to recognize SDMAs as an alternative to guardianship and maximizes the autonomy of persons with disabilities. What’s more, it requires a more comprehensive guide for school districts relating to transition planning.”

“...amends current law relating to transition planning for a public school student enrolled in a special education program.”



S.B. 748 Rollout



- 
- 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



TEA

- Transition and Employment Guide revised



TEA

- TED Training updated every 4 years, with input from stakeholders



TEA

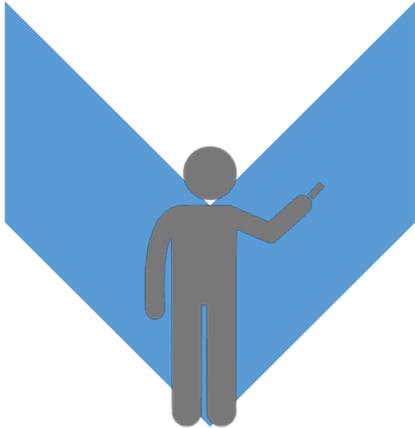
- Post a model form for transfer of rights



TEA

- Develop and post list of the required information and resources regarding services and public benefits

Transition & Employment Designee (TED)



- 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



- Self-Determination Curricula



- SDMA



- T&E Guide



- Transfer of Rights Notices

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)¹
- “DARS” changed to “TWC”¹

¹TEC §29.011 ²TEC §29.0112 ³TEC §29.017

Previous rule:

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



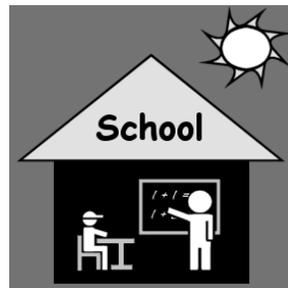
¹TEC §29.011 ²TEC§29.0112 ³TEC §29.017

Additional requirements:

- Supporter per SDMA/other persons invited by school/family¹
- “Appropriate...”¹
- Community settings (**think 18+**)¹
- Facilitating a referral to agencies & waiting lists for waiver programs, etc.¹
- Supplementary aids, services, curricula, and other opportunities to develop decision-making skills¹
- Supports and services to foster the independence and self-determination, including a supported decision-making agreement¹
- Share information about revised T&E Guide²
- IEP includes a statement that LEA provided notice and required information/resources at least one year before 18th birthday³

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 Guide²
- Provide printed copy of T&E Guide on request²
- Share revised T&E Guide at ARD²
- Provide information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement³
- 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”³
- IEP must include a statement that the district provided the notice, information, and resources

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

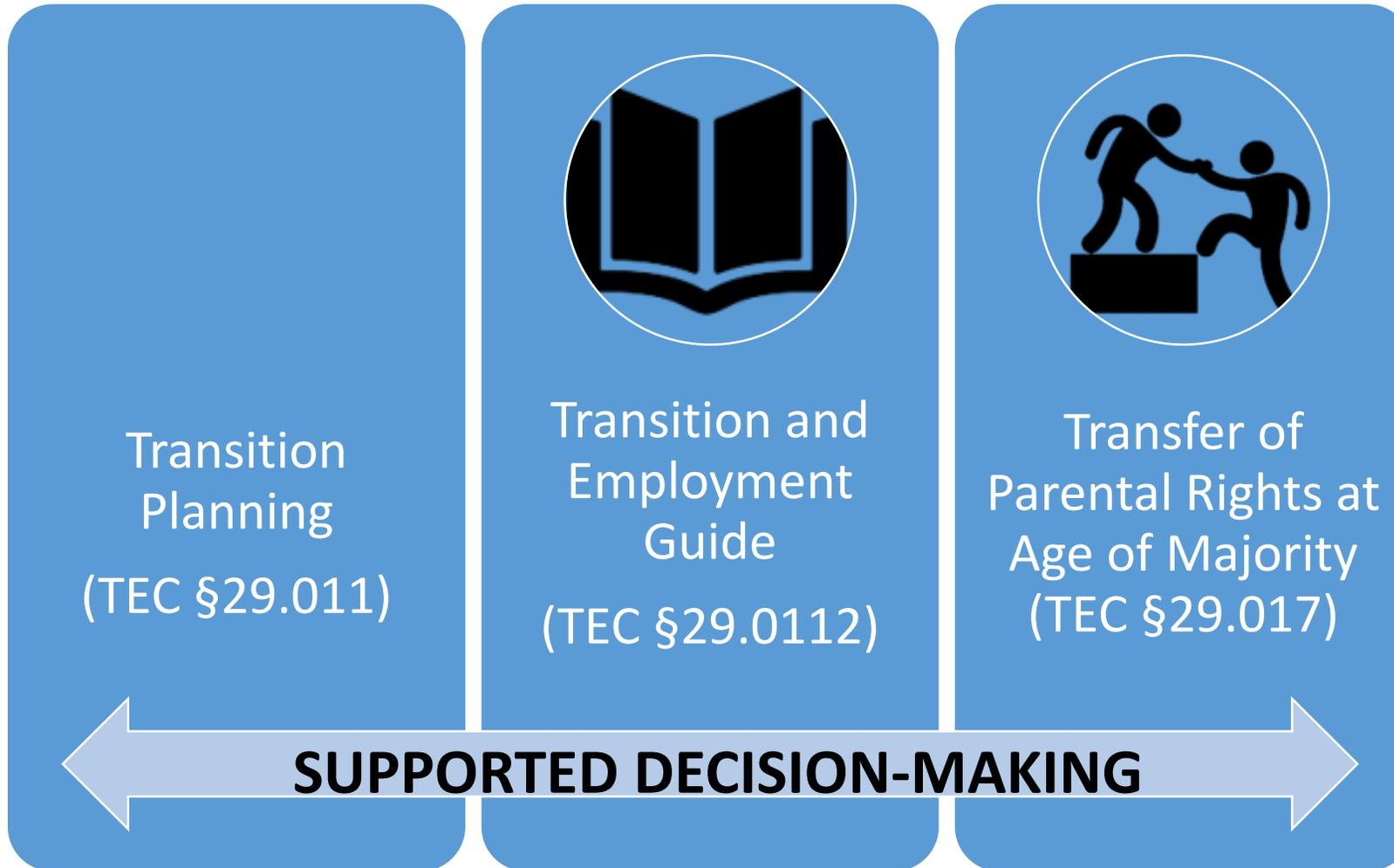
- ❖ Involvement in transition planning by the student’s parents AND ***other persons***, such as a supporter per SDMA, or invited by student/parent/school
- ❖ Postsecondary education options, ***including preparation for postsecondary-level coursework***
- ❖ Functional vocational evaluation
- ❖ Employment 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***

“Appropriate” Language in TEC §29.011 (cont.)

- ❖ 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



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

<http://framework.esc18.net/display/Webforms/ESC18-FW-Documents.aspx?DT=G&LID=en>

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 parents request it

Questions?

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Thank-you

for your attention today!