

**SUBJECT:** Procedures for developing transition plans for special education students

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 8 ayes — Grusendorf, Branch, Dawson, Dutton, Eissler, Griggs, Hochberg, Madden  
0 nays  
1 absent — Oliveira

**WITNESSES:** For — Marty DeLeon, Texas Association of School Boards; Michael DeLeon, Texas Association of School Administrators; Kay Lambert, Advocacy, Inc.; Rona Statman, The ARC of Texas  
Against — None

**BACKGROUND:** Under Education Code, sec. 29.011, the Texas Department of Education (TEA), the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission are required to develop, agree to, and adopt by rule a memorandum of understanding (MOU) that establishes each agency's responsibility with regard to transition planning for special education students. Other agencies also may participate in the MOU as appropriate.

Sec. 29.011 also requires school districts to develop and annually review an individual transition plan (ITP) for special education students who are at least 16 years old. The ITP developed must be separate from a student's individualized education program (IEP), and districts must invite these students and their parents or guardians to participate in developing the ITP. School districts are required to coordinate with the agencies that are part of the MOU in order to provide continuity and coordination of services among the various agencies.

**DIGEST:** CSHB 2823 essentially would repeal Education Code, sec. 29.011, and instead would require TEA to adopt rules establishing procedures for compliance with federal requirements for transition planning. The procedures

would have to specify the manner in which a student's admission, review, and dismissal committee would be required to consider the following issues:

- appropriate student involvement in life outside the classroom;
- appropriate parental involvement for students under age 18;
- appropriate parental involvement for students age 18 and over, as approved by the student or school district;
- any postsecondary education options;
- a functional vocational evaluation;
- employment goals and objectives;
- availability of age-appropriate instructional environments for students age 18 and over;
- independent living goals and objectives; and
- appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

The provisions of the bill would apply beginning with the 2003-04 school year.

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, 2003.

**SUPPORTERS  
SAY:**

CSHB 2823 would allow school districts to streamline services for special education students and make Texas procedures consistent with federal regulations governing transition planning. Texas school districts currently hold about 91,000 extra meetings per year providing individualized transition planning for special education students. Teachers must attend every meeting, taking them away from the classroom and other duties. In many cases, a student does not need or want the school to develop a separate transition plan, but state law requires the school to do so. This drain on resources is unnecessary and inconsistent with federal law, which permits a school district simply to incorporate transition planning into a student's regular IEP.

Current statutes requiring agencies that provide transition services to enter into an MOU were well intentioned but are not meeting the needs of special education students. Representatives of various agencies spent several years

completing an MOU that included numerous agencies, yet agency staff members rarely attend individual transition meetings.

The bill would allow TEA the flexibility to establish regulations that conformed with federal guidelines and also retain provisions of current state law that were important to parents. It would ensure that school districts continued to meet the needs of special education students for transition support.

**OPPONENTS  
SAY:**

Parents should be able to request a separate ITP outside of the IEP. Transition issues might not get the attention they deserve if they were addressed as part of an overall IEP.

**NOTES:**

The committee substitute differs from the bill as introduced by requiring the student's admission, review and dismissal committee to address the issues listed in the bill. It also added provisions requiring appropriate parent involvement in the student's transition if the student was under 18 years old, and parent involvement for students over 18, as approved by the student or district.