

## **BILL ANALYSIS**

Senate Research Center

H.B. 2823  
By: Eissler (Shapiro)  
Education  
5/19/2003  
Engrossed

### **DIGEST AND PURPOSE**

Current law requires the Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission to develop a memorandum of understanding establishing the responsibilities of each agency for providing the services necessary to transition students with disabilities outside the public school system.

H.B. 2823 delegates the responsibility of ensuring compliance with federal transition-related requirements to the commissioner of education. The bill sets out the transition issues that must be considered in the transition portion of a student's individualized education program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.011, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.011(a), Education Code, to delete the designation for Subsection (a). Requires the commissioner of education (commissioner), rather than the Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission, by rule to adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this subchapter. Deletes text regarding a memorandum of understanding between agencies and a successful transition to life outside the school system. Requires the procedures to specify the manner in which a student's admission, review, and dismissal committee must consider, and if appropriate, address the following issues in the student's individualized education program:

- (1) appropriate student involvement in the student's transition to life outside the public school system;
- (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
- (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district in which the student is enrolled;
- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

SECTION 2. Repealers: Sections 29.011(b)-(e) (pertaining to transition planning), Education Code.

SECTION 3. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 4. Effective date: upon passage or September 1, 2003.