



Via Email (sunset@sunset.state.tx.us)

June 30, 2014

Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78711

RE: Comments on Sunset Advisory Commission Staff Report on the Department of Assistive and Rehabilitative Services, Issue 4 – DARS’ Approach to Employer Relations and Transition Services

Dear Sunset Advisory Commission:

Disability Rights Texas (DRTx) is the federally designated legal protection and advocacy agency for people with disabilities in Texas. Our mission is to advocate, protect and advance the legal, human and service rights of people with disabilities.

The Texas Council of Administrators of Special Education (TCASE) is a professional association comprised of nearly 1,200 members who administer and support special education programs in public schools throughout Texas.

We appreciate the opportunity to submit joint comments on your staff report on the Department of Assistive and Rehabilitative Services (DARS), dated June, 2014. Specifically, we have comments on issue number four in the staff report and in particular, recommendation number 4.2.

Issue 4 – Employer Relations and Transition Services

The staff report covers several issues regarding DARS. These joint comments are limited to one issue, identified by Commission staff as issue number four: “DARS’ Unfocused Approach to Employer Relations and Transition Services.” In the context of issue number four, Commission staff present several recommendations. We offer comments on only one of these recommendations: “4.2 – Require DARS to partner with the Texas Education Agency to develop a mechanism to target schools with the highest need for transition services, and to develop policies to ensure it provides a consistent, minimum level of service.”

First, we note that both DARS and the Texas Education Agency (TEA) agree with Recommendation 4.2.¹ We appreciate the willingness of both agencies to commit to improve transition services for students with disabilities in public schools. There are some aspects of staff

recommendation 4.2, however, where we believe clarification would benefit the agencies, school districts, and students with disabilities and their families. We also have information to share on this matter to assist in the Commission's determination of final recommendations.

Targeting Schools with the Highest Need

Certainly, school districts vary in the resources that they have available and in their outcomes, such as the percentage of students with disabilities earning a high school diploma. That being said, all students and school districts face a high need for transition planning and transition services. There are a significant number of students with disabilities in need of transition services. This includes, in particular, students with significant disabilities, who likely face the most challenge. There is increased accountability and oversight, and a greater emphasis on college and career readiness. These factors all substantiate the need for a substantially stronger connection between public schools and DARS, which serves as the bridge to post-secondary success for many students.

Transition planning is a critical part of secondary education as the focus sharpens on what the student hopes to do after public schooling and is equipped to do after public schooling. All students can potentially benefit from DARS services and any form of targeting of DARS resources should neither limit nor curtail an individual student from benefiting from what DARS has to offer. Clarification that the staff recommendation of targeting is not intended to deny access and cannot be used to deny access to DARS would benefit all stakeholders by alleviating concerns that DARS resources would be totally shifted out of some areas of the state for other areas.

Uniform Statewide DARS Policies

The staff report outlined three critical elements to a uniform, statewide DARS policy on the provision of transition services. Regarding preferred age of first contact, the staff report pinpointed first reaching students at the age of 15. We wish to point out that Texas has a specific state statute that transition planning begins at **the age of 14**.ⁱⁱ We offer that it would be more uniform across state agencies to follow the TEA threshold to begin with transition-age youth at 14 years old.

Regarding assignment of transition counselors to schools, the staff report suggested using the targeting mechanism developed with TEA. As we commented above, it would be unfair if targeting high need schools results in some students having no access to a DARS transition counselor.

Regarding coordination between transition counselors and schools, the staff report recommends in part that DARS should account for a new Texas statutory provision that each school district have a transition and employment designee for students with disabilities.ⁱⁱⁱ We appreciate awareness of this new state provision. Collaboration between DARS and TEA on the minimum training guidelines for these transition and employment designees would be an encouraging sign.

Conclusion

Thank you for this opportunity during the sunset review process to offer these observations on a critical aspect of DARS as it relates to students with disabilities in special education in Texas. We note and acknowledge that these comments will be considered public information and subject to disclosure under Chapter 552 of the Texas Government Code, commonly known as the Public Information Act.

Sincerely,

Disability Rights Texas and Texas Council of Administrators of Special Education

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ⁱ Sunset Advisory Commission, *Staff Report with Hearing Material* (2014). See pages 50a to 50b under responses to issue 4.

ⁱⁱ Texas Education Code § 29.0111.

ⁱⁱⁱ Texas Education Code § 29.011(b).