

- SUBJECT:** Eligibility for special education services due to visual impairment.
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 7 ayes — Aycock, Deshotel, Farney, Huberty, Ratliff, J. Rodriguez, Villarreal
- 0 nays
- 4 absent — Allen, J. Davis, Dutton, K. King
- WITNESSES:** For — Sabra Ewing, Belinda Fayard, and Kristen McKay, Alliance of and for Visually Impaired Texans; Richie Flores and Faith Penn, National Federation of the Blind; Elisabeth Freeborn, Texas Parents of Blind Children; Linda Litzinger; Meghan McKay; Jeff Miller, Disability Rights Texas; Karen Whitty; Marjie Wood, Texas Association of the Visually Impaired; (*Registered, but did not testify*: Chase Bearden, Coalition of Texans with Disabilities; Edgenie Bellah, Carlena Miller, Martha Murrell, and Nancy Toelle; Alliance of and for Visually Impaired Texans; Portia Bosse, Texas State Teachers Association; Lauren Dimitry, Texans Care for Children; Rona Statman, The ARC of Texas; Chandra Villaneuva, Center for Public Policy Priorities; and five individuals)
- Against — None
- On — David Anderson, Texas Education Agency; Cyral Miller, Texas School for the Blind and Visually Impaired; (*Registered, but did not testify*: Mel Fajkus, Department of Assistive and Rehabilitative Services; Gene Lenz, Texas Education Agency)
- BACKGROUND:** Education Code, sec. 30.002 requires the Texas Education Agency (TEA) to administer a comprehensive statewide plan for educating students with visual impairments up to age 21. Sec. 30.002(e) requires an individualized education program (IEP) of a blind or visually impaired student served by special education to provide a detailed description of the arrangements made to provide the student with orientation and mobility training.
- DIGEST:** HB 590 would require that a blind or visually impaired student receive an orientation and mobility (O&M) evaluation as part of the student's initial

evaluation for special education services under Education Code, sec. 29.004. A person certified by education commissioner rule as an O&M specialist would conduct the evaluation in various lighting conditions and in a variety of settings, including home, school, community, and unfamiliar settings. A certified O&M specialist would be part of the multidisciplinary team that determined a child's eligibility for special education services.

HB 590 would require that the scope of any school district reevaluation of a child found eligible for special education services on the basis of a visual impairment be determined, in accordance with applicable federal regulations, by a multidisciplinary team including a certified O&M specialist.

The commissioner of education would adopt rules to implement HB 590 by January 1, 2014 and to implement the program by the beginning of the 2014-15 school year.

HB 590 would take immediate effect if passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 590 would ensure that more students received earlier access to O&M services, increasing their independence at home and school and in the community. This could reduce the need for other costly supports.

O&M training helps visually impaired students master the vital skills necessary for safe movement and independent living. It teaches people with visual impairments how to use a long cane to detect steps, curbs, and obstacles, how to ride a bus independently, and how to use sound and other environmental cues to cross a street and follow a route. Students who are proficient, independent travelers are more likely to become confident, successful adults. The bill would save Texas money over time by reducing the need for O&M services from adult rehabilitation programs.

The Governor's Committee on People with Disabilities supports efforts to increase the number of O&M evaluations being conducted and to ensure that all students with visual impairments receive an O&M evaluation. The bill would provide additional clarity that each child with a visual impairment should receive an O&M evaluation instead of relying on the

teacher of students with visual impairments to make a recommendation as to whether an O&M evaluation was needed.

Visual impairments can be difficult to assess, and teachers may not be aware of a student's needs for O&M services, particularly if the student appears to get around school without any trouble. However, in unfamiliar settings that student may struggle with mobility and could benefit greatly from learning cane skills. Because parents are seldom aware of the scope or benefits of O&M instruction for children, many do not advocate for it.

Infants are taught to develop motor skills for purposeful movement. The provision of early O&M services could alleviate many gait and posture problems and fear of movement that can result when young children go without training. Contrary to an unfortunately common misconception, very young children, including students with multiple disabilities such as deaf-blindness and those with low vision, benefit greatly from early O&M instruction.

As of January 2012, there were 8,968 children from birth to age 21 with visual impairments statewide. Only 56 percent of all eligible children have been evaluated for O&M services in the past three years, and only 35 percent receive services.

While not all students who are evaluated need O&M services, about 1,000 students per year would need a new evaluation under HB 590. An estimated 40 percent of districts have three or fewer students that would need an evaluation, and 76 percent have 10 or fewer. At an average cost of \$300 per evaluation, the resulting expense easily could be absorbed by most local early childhood intervention programs and school districts. Federal, state, and local funds for special education services could be used to pay for O&M evaluations.

Some critics have expressed concern that there would not be enough certified specialists available to conduct the evaluations. O&M specialists are required to have a bachelor's degree with a specialty in O&M. To become certified by a national licensing board, individuals must pass an examination. Eleven of the 20 regional service centers have O&M specialists on staff. Statewide there are about 357 certified specialists licensed through the Academy for Certification of Vision Rehabilitation and Education Professionals. Stephen F. Austin State University and Texas Tech University both offer degree programs in O&M and report a

steady stream of applicants and individuals who have completed the training in recent years.

**OPPONENTS
SAY:**

HB 590 would create a costly, unfunded mandate for school districts. While contending that the expense to any individual district would be minimal, data offered by supporters project that the bill would cost at least \$300,000 annually. Even this is a low estimate that does not account for the cost of providing services to additional students who would qualify due to the evaluations.

Some rural school districts could have difficulty complying with HB 590 if there were not enough certified O&M specialists available to conduct the evaluations and provide needed services within deadlines prescribed by state and federal law. This could prompt lawsuits against school districts that failed to comply with the evaluation and requirements to provide services.

**OTHER
OPPONENTS
SAY:**

HB 590 is unnecessary because state law already requires that IEPs for students with visual impairment contain detailed arrangements for O&M services.

NOTES:

The companion bill, SB 38 by Zaffirini, was reported favorably on April 29 by the Senate Education Committee.