

BILL ANALYSIS

Senate Research Center
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S.B. 38
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Orientation and mobility (O&M) is a special education service specific to children who are visually impaired. These services include long cane skills; use of distance optical devices (hand held telescopes); getting around the home, playground, and neighborhood; using other senses effectively; and developing motor skills and concepts needed for purposeful movement. O&M services are fundamental to the successful education of a child with visual impairments because it teaches the skills to move safely in the child's home, school, and community.

Because a certified teacher of students with visual impairments (TVI) must make a recommendation regarding the need for an O&M evaluation (rather than a certified orientation and mobility specialist) many children with visual impairments are not receiving the evaluations and services they need. Of the 8,968 children (21 years of age or younger) with visual impairments, only 3,103 (34 percent) received O&M services in the 2011-2012 school year and 5,015 (56 percent) have received an O&M evaluation within the past three years. While most academic braille readers receive this service, infants and preschoolers, children with multiple disabilities, and children with low vision are grossly under-evaluated and under-served.

Texas law references the need to specifically address O&M in the individual education plan (IEP) and in statewide plans for this population. It does not specifically say O&M must be part of the evaluation, although it is implied since IEPs must be based on evaluation. It is important to ensure that children with a visual impairment receive the necessary O&M evaluation that school districts use to determine a child's eligibility for special education programs on the basis of the child's visual impairment. S.B. 38 clarifies that O&M is an area related to a visual impairment and includes O&M evaluation in the student's initial evaluation to identify all of the child's special education needs, as mandated in federal law.

Additionally, S.B. 38 requires the O&M evaluation to take place during a student's initial evaluation upon entering the school system. The evaluation would be conducted by a certified O&M specialist and in a variety of lighting conditions and settings. The bill also requires an O&M specialist to participate as part of a multidisciplinary team in evaluating data on a student's eligibility for special education services based on a visual impairment. Finally, it aligns the scope of a student's reevaluation with federal law.

As proposed, S.B. 38 amends current law relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 30.002, Education Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.002, Education Code, by adding Subsections (c-1) and (c-2), as follows:

(c-1) Requires that the full individual and initial evaluation of a student required by Section 29.004 (Full Individual and Initial Evaluation), in order to implement Subsection

(c)(1) and to determine the child's eligibility for a school district's special education program on the basis of a visual impairment, in accordance with commissioner of education (commissioner) rule:

(1) include an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist as determined under commissioner rule and in a variety of lighting conditions and in a variety of settings, including certain specified settings; and

(2) provide for a person who is appropriately certified as an orientation and mobility specialist to participate, as part of a multidisciplinary team, in evaluating data on which the determination of the child's eligibility is based.

(c-2) Requires that the scope of any reevaluation by a school district of a student who has been determined, after the full individual and initial evaluation, to be eligible for the district's special education program on the basis of a visual impairment be determined, in accordance with 34 C.F.R. Sections 300.122 and 300.303 through 300.311, by a multidisciplinary team that includes, as provided by commissioner rule, a person described by Subsection (c-1)(1)(A) (relating to a certified orientation and mobility specialist).

SECTION 2. (a) Requires the commissioner to adopt rules necessary to implement Sections 30.002(c-1) and (c-2), Education Code, as added by this Act, not later than January 1, 2014.

(b) Requires that Sections 30.002(c-1) and (c-2), Education Code, as added by this Act, be implemented not later than the beginning of the 2014-2015 school year.

SECTION 3. Effective date: upon passage or September 1, 2013.