

BILL ANALYSIS

Senate Research Center
83R1089 CAS-D

H.B. 590
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Education
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Engrossed

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 children with visual impairments because it teaches the skills to move safely in their 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 that 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. H.B. 590 clarifies that O&M is an area related to a visual impairment and include 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, H.B. 590 requires the O&M evaluation to take place during a student's initial evaluation upon entering the school system. The evaluation will be conducted by a certified O&M specialist and in a variety of lighting conditions and settings. The bill will also require 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 will align the scope of a student's reevaluation with federal law.

H.B. 590 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), to implement Subsection (c)(1)

(relating to requiring the comprehensive statewide plan for the education of children with visual impairments to include the procedures, format, and content of an individualized education program for each child with a visual impairment) and to determine a child's eligibility for a school district's special education program on the basis of a visual impairment, in accordance with the commissioner of education (commissioner) rule:

(1) include an orientation and mobility evaluation conducted:

(A) by a person who is appropriately certified as an orientation and mobility specialist, as determined under commissioner rule; and

(B) in a variety of lighting conditions and in a variety of settings, including in the student's home, school, and community and in settings unfamiliar to the student; 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).

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

(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.