

## **BILL ANALYSIS**

S.B. 2082  
By: Shapiro  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Orientation and mobility (O&M) is a special education service designed to teach children who are visually impaired to attain orientation and safe movement within their environments. Most children who are blind, have low vision, or are deaf-blind need O&M at some point even if they have additional physical or cognitive disabilities, are very young, use a wheel chair, or have little purposeful movement. O&M provides independence to children whose basic freedom to move is limited by their vision loss.

Although federal special education regulations require the full and individual initial evaluation for special education to include assessments in “all areas related to the suspected disability,” and O&M is clearly related to a visual impairment, the data indicate this is not happening for all children. Of the 8,000 children in Texas who are visually impaired, only 50 percent have received an O&M evaluation within the past three years, and only 30 percent actually receive the service. Texas Education Agency rules require a teacher of students with visual impairments to determine whether a child needs an O&M evaluation. However, because of limited understanding of this unique service and concerns about cost and staffing, many children go without an evaluation and services.

S.B. 2082 amends current law relating to determining a student's eligibility for a school district's special education program on the basis of the student's visual impairment.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1 and 2 of this bill.

### **ANALYSIS**

S.B. 2082 amends the Education Code to set forth requirements for a full individual and initial evaluation of a child for purposes of determining the child's eligibility for a school district's special education program on the basis of a visual impairment and for purposes of adequately providing for the comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment in accordance with the comprehensive statewide plan for the education of children with visual impairments. The bill requires the full individual and initial evaluation, in accordance with commissioner of education rule, to include an orientation and mobility evaluation that is conducted by a person who is appropriately certified as an orientation and mobility specialist, as determined under commissioner rule, and that is conducted in a variety of settings, including in the student's home, school, and community and in settings unfamiliar to the student. The bill also requires the full individual and initial evaluation to provide for a person appropriately certified as an orientation and mobility specialist to participate, as part of the multidisciplinary team, in evaluating data on which the determination of the child's eligibility is based.

S.B. 2082 requires any reevaluation by a school district of a student who has been determined, after the full and individual and initial evaluation, to be eligible for the district's special education program on the basis of a visual impairment to include, in accordance with commissioner rule, an orientation and mobility evaluation conducted by an appropriately certified orientation and mobility specialist. The bill requires the commissioner to adopt rules necessary to implement these provisions not later than January 1, 2010. The bill requires these provisions to be implemented not later than the beginning of the 2010-2011 school year.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.