

By: Naishtat

H.B. No. 4555

A BILL TO BE ENTITLED

AN ACT

relating to determining a student's eligibility for a school district's special education program on the basis of the student's visual impairment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(c-1) To implement Subsection (c)(1) and to determine a child's eligibility for a school district's special education program on the basis of a visual impairment, the full individual and initial evaluation of the student required by Section 29.004 must, in accordance with 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) during the day and at night 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 the multidisciplinary team, in evaluating data on which the determination of the child's eligibility is based.

1        (c-2) Any reevaluation by a school district of a student who  
2 has been determined, after the full individual and initial  
3 evaluation, to be eligible for the district's special education  
4 program on the basis of a visual impairment must, in accordance with  
5 commissioner rule, include an orientation and mobility evaluation  
6 conducted by a person described by Subsection (c-1)(1)(A).

7        SECTION 2. (a) Not later than January 1, 2010, the  
8 commissioner of education shall adopt rules necessary to implement  
9 Sections 30.002(c-1) and (c-2), Education Code, as added by this  
10 Act.

11        (b) Not later than the beginning of the 2010-2011 school  
12 year, Sections 30.002(c-1) and (c-2), Education Code, as added by  
13 this Act, shall be implemented.

14        SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.