

By: Shapiro

S.B. No. 2082

A BILL TO BE ENTITLED

1 AN ACT
2 relating to determining a student's eligibility for a school
3 district's special education program on the basis of the student's
4 visual impairment.

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

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

8 (c-1) To implement Subsection (c)(1) and to determine a
9 child's eligibility for a school district's special education
10 program on the basis of a visual impairment, the full individual and
11 initial evaluation of the student required by Section 29.004 must,
12 in accordance with commissioner rule:

13 (1) include an orientation and mobility evaluation
14 conducted:

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

18 (B) during the day and at night in a variety of
19 settings, including in the student's home, school, and community
20 and in settings unfamiliar to the student; and

21 (2) provide for a person who is appropriately
22 certified as an orientation and mobility specialist to participate,
23 as part of the multidisciplinary team, in evaluating data on which
24 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.