

1-1 By: Shapiro S.B. No. 2082  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Education; April 27, 2009,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 6, Nays 0; April 27, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2082 By: Shapiro

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to determining a student's eligibility for a school  
1-10 district's special education program on the basis of the student's  
1-11 visual impairment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 30.002, Education Code, is amended by  
1-14 adding Subsections (c-1) and (c-2) to read as follows:

1-15 (c-1) To implement Subsection (c)(1) and to determine a  
1-16 child's eligibility for a school district's special education  
1-17 program on the basis of a visual impairment, the full individual and  
1-18 initial evaluation of the student required by Section 29.004 must,  
1-19 in accordance with commissioner rule:

1-20 (1) include an orientation and mobility evaluation  
1-21 conducted:

1-22 (A) by a person who is appropriately certified as  
1-23 an orientation and mobility specialist, as determined under  
1-24 commissioner rule; and

1-25 (B) in a variety of settings, including in the  
1-26 student's home, school, and community and in settings unfamiliar to  
1-27 the student; and

1-28 (2) provide for a person who is appropriately  
1-29 certified as an orientation and mobility specialist to participate,  
1-30 as part of the multidisciplinary team, in evaluating data on which  
1-31 the determination of the child's eligibility is based.

1-32 (c-2) Any reevaluation by a school district of a student who  
1-33 has been determined, after the full individual and initial  
1-34 evaluation, to be eligible for the district's special education  
1-35 program on the basis of a visual impairment must, in accordance with  
1-36 commissioner rule, include an orientation and mobility evaluation  
1-37 conducted by a person described by Subsection (c-1)(1)(A).

1-38 SECTION 2. (a) Not later than January 1, 2010, the  
1-39 commissioner of education shall adopt rules necessary to implement  
1-40 Subsections (c-1) and (c-2), Section 30.002, Education Code, as  
1-41 added by this Act.

1-42 (b) Not later than the beginning of the 2010-2011 school  
1-43 year, Subsections (c-1) and (c-2), Section 30.002, Education Code,  
1-44 as added by this Act, shall be implemented.

1-45 SECTION 3. This Act takes effect immediately if it receives  
1-46 a vote of two-thirds of all the members elected to each house, as  
1-47 provided by Section 39, Article III, Texas Constitution. If this  
1-48 Act does not receive the vote necessary for immediate effect, this  
1-49 Act takes effect September 1, 2009.

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