

## **BILL ANALYSIS**

H.B. 590  
By: Naishtat  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Orientation and Mobility instruction (O&M) is a special education service designed to teach children with visual impairments to attain orientation and safe movement within their home, school, and community. O&M provides visually impaired students with the vital skills necessary for independent living and safe movement. Current law requires the use of a comprehensive evaluation to identify a student's special education and related service needs in all areas affected by the student's disability. Although O&M specifically relates to visual impairment, current data indicates that a significant number of children with visual impairments go without an evaluation and O&M services. Interested parties contend that while a teacher of students with visual impairments may be required to determine whether or not a child requires an O&M evaluation and instruction, some teachers may not have sufficient knowledge of O&M or of a student's service-related needs outside of a school-based setting. H.B. 590 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**

H.B. 590 amends the Education Code, for purposes of adequately providing for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment in accordance with the statewide plan for the education of children with visual impairments and determining a child's eligibility for a school district's special education program on the basis of a visual impairment, to require a student's full individual and initial evaluation, in accordance with commissioner of education rule, to include an orientation and mobility evaluation conducted in a variety of conditions and settings by a person who is appropriately certified as an orientation and mobility specialist, as determined under commissioner rules, and to provide for such a certified specialist's participation as part of a multidisciplinary team in evaluating data on which the determination of eligibility is based.

H.B. 590 requires the scope of any school district reevaluation 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 to be determined, in accordance with applicable federal regulations, by a multidisciplinary team that includes, as provided by commissioner rule, an appropriately certified orientation and mobility specialist. The bill requires the commissioner of education to adopt the rules necessary to implement the bill's provisions not later than January 1, 2014, and requires its provisions to be implemented not later than the beginning of the 2014-2015 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.