

AN ACT

relating to determining a child's eligibility for a school district's special education program on the basis of a 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) in a variety of lighting conditions and 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 a multidisciplinary team, in evaluating data on which the determination of the child's eligibility is based.

1 (c-2) The scope of any reevaluation by a school district of
2 a student who has been determined, after the full individual and
3 initial evaluation, to be eligible for the district's special
4 education program on the basis of a visual impairment shall be
5 determined, in accordance with 34 C.F.R. Sections 300.122 and
6 300.303 through 300.311, by a multidisciplinary team that includes,
7 as provided by commissioner rule, a person described by Subsection
8 (c-1)(1)(A).

9 SECTION 2. (a) Not later than January 1, 2014, the
10 commissioner of education shall adopt rules necessary to implement
11 Sections 30.002(c-1) and (c-2), Education Code, as added by this
12 Act.

13 (b) Not later than the beginning of the 2014-2015 school
14 year, Sections 30.002(c-1) and (c-2), Education Code, as added by
15 this Act, shall be implemented.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 590 was passed by the House on May 2, 2013, by the following vote: Yeas 80, Nays 63, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 590 was passed by the Senate on May 22, 2013, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor