

By: Naishtat

H.B. No. 1138

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the evaluation and instruction of public school
3 students with visual impairments.

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

5 SECTION 1. Sections 30.002(b), (c), and (e), Education
6 Code, are amended to read as follows:

7 (b) The agency shall:

8 (1) develop standards and guidelines for all special
9 education services for children with visual impairments that it is
10 authorized to provide or support under this code;

11 (2) supervise regional education service centers and
12 other entities in assisting school districts in serving children
13 with visual impairments more effectively;

14 (3) develop and administer special education services
15 for students with both serious visual and auditory impairments;

16 (4) evaluate special education services provided for
17 children with visual impairments by school districts and approve or
18 disapprove state funding of those services; and

19 (5) maintain an effective liaison between special
20 education programs provided for children with visual impairments by
21 school districts and related initiatives of the Department of
22 Assistive and Rehabilitative Services Division [~~Texas Commission~~]
23 for [~~the~~] Blind Services, the [~~Texas~~] Department of State [~~Mental~~]
24 Health Services Mental Health and Substance Abuse Division [~~and~~

1 ~~Mental Retardation~~], the Texas School for the Blind and Visually
2 Impaired, and other related programs, agencies, or facilities as
3 appropriate.

4 (c) The comprehensive statewide plan for the education of
5 children with visual impairments must:

6 (1) adequately provide for comprehensive diagnosis
7 and evaluation of each school-age child with a serious visual
8 impairment;

9 (2) include the procedures, format, and content of the
10 individualized education program for each child with a visual
11 impairment;

12 (3) emphasize providing educational services to
13 children with visual impairments in their home communities whenever
14 possible;

15 (4) include methods to ensure that children with
16 visual impairments receiving special education services in school
17 districts receive, before being placed in a classroom setting or
18 within a reasonable time after placement:

19 (A) evaluation of the impairment; and

20 (B) instruction in an expanded core curriculum,
21 which is required for students with visual impairments to succeed
22 in classroom settings and to derive lasting, practical benefits
23 from the education provided by school districts, including
24 instruction in:

25 (i) [~~the training in~~] compensatory
26 skills, such as braille and concept development, and other skills
27 needed to access the rest of the curriculum;

- 1 (ii) [~~communicative skills,~~] orientation
2 and mobility;
3 (iii) [~~,~~ and] social interaction
4 [~~adjustment~~] skills;
5 (iv) [~~,~~ and ~~the vocational or~~] career
6 planning;
7 (v) assistive technology, including
8 optical devices;
9 (vi) independent living skills;
10 (vii) recreation and leisure enjoyment;
11 (viii) self-determination; and
12 (ix) sensory efficiency [~~counseling,~~
13 ~~required for those students to succeed in classroom settings and to~~
14 ~~derive lasting, practical benefits from the education in the school~~
15 ~~district~~];

16 (5) provide for flexibility on the part of school
17 districts to meet the special needs of children with visual
18 impairments through:

19 (A) specialty staff and resources provided by the
20 district;

21 (B) contractual arrangements with other
22 qualified public or private agencies;

23 (C) supportive assistance from regional
24 education service centers or adjacent school districts;

25 (D) short-term or long-term services through the
26 Texas School for the Blind and Visually Impaired or related
27 facilities or programs; or

1 (E) other instructional and service arrangements
2 approved by the agency;

3 (6) include a statewide admission, review, and
4 dismissal process;

5 (7) provide for effective interaction between the
6 visually impaired child's classroom setting and the child's home
7 environment, including providing for parental training and
8 counseling either by school district staff or by representatives of
9 other organizations directly involved in the development and
10 implementation of the individualized education program for the
11 child;

12 (8) require the continuing education and professional
13 development of school district staff providing special education
14 services to children with visual impairments;

15 (9) provide for adequate monitoring and precise
16 evaluation of special education services provided to children with
17 visual impairments through school districts; and

18 (10) require that school districts providing special
19 education services to children with visual impairments develop
20 procedures for assuring that staff assigned to work with the
21 children have prompt and effective access directly to resources
22 available through:

23 (A) cooperating agencies in the area;

24 (B) the Texas School for the Blind and Visually
25 Impaired;

26 (C) the Central Media Depository for specialized
27 instructional materials and aids made specifically for use by

1 students with visual impairments;

2 (D) sheltered workshops participating in the
3 state program of purchases of blind-made goods and services; and

4 (E) related sources.

5 (e) Each eligible blind or visually impaired student is
6 entitled to receive educational programs according to an
7 individualized education program that:

8 (1) is developed in accordance with federal and state
9 requirements for providing special education services;

10 (2) is developed by a committee composed as required
11 by federal law;

12 (3) reflects that the student has been provided a
13 detailed explanation of the various service resources available to
14 the student in the community and throughout the state;

15 (4) provides a detailed description of the
16 arrangements made to provide the student with the evaluation and
17 instruction required under Subsection (c)(4) [~~orientation and~~
18 ~~mobility training, instruction in braille or use of large print,~~
19 ~~other training to compensate for serious visual loss, access to~~
20 ~~special media and special tools, appliances, aids, or devices~~
21 ~~commonly used by individuals with serious visual impairments~~]; and

22 (5) sets forth the plans and arrangements made for
23 contacts with and continuing services to the student beyond regular
24 school hours to ensure the student learns the skills and receives
25 the instruction [~~training~~] required under Subsection (c)(4)(B)
26 [~~(c)(4)~~].

27 SECTION 2. Section 30.002(e), Education Code, as amended by

1 this Act, applies beginning with the 2013-2014 school year.

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