

By: Zaffirini

S.B. No. 38

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to determining a child's eligibility for a school  
3 district's special education program on the basis of a visual  
4 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) in a variety of lighting conditions and in a  
19 variety of settings, including in the student's home, school, and  
20 community 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 a multidisciplinary team, in evaluating data on which the  
24 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 Subsections (c-1) and (c-2), Section 30.002, Education Code, as  
12 added by this Act.

13       (b) Not later than the beginning of the 2014-2015 school  
14 year, Subsections (c-1) and (c-2), Section 30.002, Education Code,  
15 as added by 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.