

1-1 By: Zaffirini S.B. No. 38  
 1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 29, 2013, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; April 29, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Patrick	X			
1-8 Lucio	X			
1-9 Campbell	X			
1-10 Duncan	X			
1-11 Paxton	X			
1-12 Seliger	X			
1-13 Taylor	X			
1-14 Van de Putte	X			
1-15 West			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to determining a child's eligibility for a school  
 1-20 district's special education program on the basis of a visual  
 1-21 impairment.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 30.002, Education Code, is amended by  
 1-24 adding Subsections (c-1) and (c-2) to read as follows:

1-25 (c-1) To implement Subsection (c)(1) and to determine a  
 1-26 child's eligibility for a school district's special education  
 1-27 program on the basis of a visual impairment, the full individual and  
 1-28 initial evaluation of the student required by Section 29.004 must,  
 1-29 in accordance with commissioner rule:

1-30 (1) include an orientation and mobility evaluation  
 1-31 conducted:

1-32 (A) by a person who is appropriately certified as  
 1-33 an orientation and mobility specialist, as determined under  
 1-34 commissioner rule; and

1-35 (B) in a variety of lighting conditions and in a  
 1-36 variety of settings, including in the student's home, school, and  
 1-37 community and in settings unfamiliar to the student; and

1-38 (2) provide for a person who is appropriately  
 1-39 certified as an orientation and mobility specialist to participate,  
 1-40 as part of a multidisciplinary team, in evaluating data on which the  
 1-41 determination of the child's eligibility is based.

1-42 (c-2) The scope of any reevaluation by a school district of  
 1-43 a student who has been determined, after the full individual and  
 1-44 initial evaluation, to be eligible for the district's special  
 1-45 education program on the basis of a visual impairment shall be  
 1-46 determined, in accordance with 34 C.F.R. Sections 300.122 and  
 1-47 300.303 through 300.311, by a multidisciplinary team that includes,  
 1-48 as provided by commissioner rule, a person described by Subsection  
 1-49 (c-1)(1)(A).

1-50 SECTION 2. (a) Not later than January 1, 2014, the  
 1-51 commissioner of education shall adopt rules necessary to implement  
 1-52 Subsections (c-1) and (c-2), Section 30.002, Education Code, as  
 1-53 added by this Act.

1-54 (b) Not later than the beginning of the 2014-2015 school  
 1-55 year, Subsections (c-1) and (c-2), Section 30.002, Education Code,  
 1-56 as added by this Act, shall be implemented.

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

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