

1-1 By: Zaffirini S.B. No. 39
 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: Yeas 8,
 1-5 Nays 0; April 29, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

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

1-19 relating to the evaluation and instruction of public school
 1-20 students with visual impairments.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsections (b), (c), and (e), Section 30.002,
 1-23 Education Code, are amended to read as follows:

1-24 (b) The agency shall:

1-25 (1) develop standards and guidelines for all special
 1-26 education services for children with visual impairments that it is
 1-27 authorized to provide or support under this code;

1-28 (2) supervise regional education service centers and
 1-29 other entities in assisting school districts in serving children
 1-30 with visual impairments more effectively;

1-31 (3) develop and administer special education services
 1-32 for students with both serious visual and auditory impairments;

1-33 (4) evaluate special education services provided for
 1-34 children with visual impairments by school districts and approve or
 1-35 disapprove state funding of those services; and

1-36 (5) maintain an effective liaison between special
 1-37 education programs provided for children with visual impairments by
 1-38 school districts and related initiatives of the Department of
 1-39 Assistive and Rehabilitative Services Division [~~Texas Commission~~]
 1-40 for [~~the~~] Blind Services, the [~~Texas~~] Department of State [~~Mental~~]
 1-41 Health Services Mental Health and Substance Abuse Division [~~and~~
 1-42 ~~Mental Retardation~~], the Texas School for the Blind and Visually
 1-43 Impaired, and other related programs, agencies, or facilities as
 1-44 appropriate.

1-45 (c) The comprehensive statewide plan for the education of
 1-46 children with visual impairments must:

1-47 (1) adequately provide for comprehensive diagnosis
 1-48 and evaluation of each school-age child with a serious visual
 1-49 impairment;

1-50 (2) include the procedures, format, and content of the
 1-51 individualized education program for each child with a visual
 1-52 impairment;

1-53 (3) emphasize providing educational services to
 1-54 children with visual impairments in their home communities whenever
 1-55 possible;

1-56 (4) include methods to ensure that children with
 1-57 visual impairments receiving special education services in school
 1-58 districts receive, before being placed in a classroom setting or
 1-59 within a reasonable time after placement:

1-60 (A) evaluation of the impairment; and

1-61 (B) instruction in an expanded core curriculum,

2-1 which is required for students with visual impairments to succeed
2-2 in classroom settings and to derive lasting, practical benefits
2-3 from the education provided by school districts, including
2-4 instruction in:
2-5 (i) [~~the training in~~] compensatory
2-6 skills, such as braille and concept development, and other skills
2-7 needed to access the rest of the curriculum;
2-8 (ii) [~~communicative skills,~~] orientation
2-9 and mobility;
2-10 (iii) [~~and~~] social interaction
2-11 [adjustment] skills;
2-12 (iv) [~~and the vocational or~~] career
2-13 planning;
2-14 (v) assistive technology, including
2-15 optical devices;
2-16 (vi) independent living skills;
2-17 (vii) recreation and leisure enjoyment;
2-18 (viii) self-determination; and
2-19 (ix) sensory efficiency [~~counseling,~~
2-20 ~~required for those students to succeed in classroom settings and to~~
2-21 ~~derive lasting, practical benefits from the education in the school~~
2-22 ~~district];~~
2-23 (5) provide for flexibility on the part of school
2-24 districts to meet the special needs of children with visual
2-25 impairments through:
2-26 (A) specialty staff and resources provided by the
2-27 district;
2-28 (B) contractual arrangements with other
2-29 qualified public or private agencies;
2-30 (C) supportive assistance from regional
2-31 education service centers or adjacent school districts;
2-32 (D) short-term or long-term services through the
2-33 Texas School for the Blind and Visually Impaired or related
2-34 facilities or programs; or
2-35 (E) other instructional and service arrangements
2-36 approved by the agency;
2-37 (6) include a statewide admission, review, and
2-38 dismissal process;
2-39 (7) provide for effective interaction between the
2-40 visually impaired child's classroom setting and the child's home
2-41 environment, including providing for parental training and
2-42 counseling either by school district staff or by representatives of
2-43 other organizations directly involved in the development and
2-44 implementation of the individualized education program for the
2-45 child;
2-46 (8) require the continuing education and professional
2-47 development of school district staff providing special education
2-48 services to children with visual impairments;
2-49 (9) provide for adequate monitoring and precise
2-50 evaluation of special education services provided to children with
2-51 visual impairments through school districts; and
2-52 (10) require that school districts providing special
2-53 education services to children with visual impairments develop
2-54 procedures for assuring that staff assigned to work with the
2-55 children have prompt and effective access directly to resources
2-56 available through:
2-57 (A) cooperating agencies in the area;
2-58 (B) the Texas School for the Blind and Visually
2-59 Impaired;
2-60 (C) the Central Media Depository for specialized
2-61 instructional materials and aids made specifically for use by
2-62 students with visual impairments;
2-63 (D) sheltered workshops participating in the
2-64 state program of purchases of blind-made goods and services; and
2-65 (E) related sources.
2-66 (e) Each eligible blind or visually impaired student is
2-67 entitled to receive educational programs according to an
2-68 individualized education program that:
2-69 (1) is developed in accordance with federal and state

3-1 requirements for providing special education services;
3-2 (2) is developed by a committee composed as required
3-3 by federal law;

3-4 (3) reflects that the student has been provided a
3-5 detailed explanation of the various service resources available to
3-6 the student in the community and throughout the state;

3-7 (4) provides a detailed description of the
3-8 arrangements made to provide the student with the evaluation and
3-9 instruction required under Subsection (c)(4) [~~orientation and~~
3-10 ~~mobility training, instruction in braille or use of large print,~~
3-11 ~~other training to compensate for serious visual loss, access to~~
3-12 ~~special media and special tools, appliances, aids, or devices~~
3-13 ~~commonly used by individuals with serious visual impairments]; and~~

3-14 (5) sets forth the plans and arrangements made for
3-15 contacts with and continuing services to the student beyond regular
3-16 school hours to ensure the student learns the skills and receives
3-17 the instruction [~~training~~] required under Subsection (c)(4)(B)
3-18 [~~(c)(4)~~].

3-19 SECTION 2. Subsection (e), Section 30.002, Education Code,
3-20 as amended by this Act, applies beginning with the 2013-2014 school
3-21 year.

3-22 SECTION 3. This Act takes effect immediately if it receives
3-23 a vote of two-thirds of all the members elected to each house, as
3-24 provided by Section 39, Article III, Texas Constitution. If this
3-25 Act does not receive the vote necessary for immediate effect, this
3-26 Act takes effect September 1, 2013.

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