

BILL ANALYSIS

S.B. 522
By: Zaffirini
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that the term "functionally blind," as used in state education law and regulations to guide decisions regarding the provision of braille instruction, has become a source of confusion and perhaps even an obstacle to providing appropriate instruction. S.B. 522 seeks to clarify the relevant statutory language and ensure that braille instruction is provided to the students for whom it is most appropriate by replacing "functionally blind" with language better aligned with the federal Individuals with Disabilities Education Act and updating the evaluation procedures that determine the content of a student's individualized education program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 522 amends the Education Code to replace references to a functionally blind student with references to a student with a visual impairment in provisions relating to the inclusion of braille instruction in an individualized education program (IEP). The bill revises a provision establishing that, in the development of an IEP for such a student, proficiency in reading and writing is a significant indicator of a student's satisfactory educational progress. The bill requires the IEP for such a student to include instruction in braille and the use of braille provided by a teacher certified to teach students with visual impairments unless the student's admission, review, and dismissal committee determines and documents, based on a certain evaluation of the student's relevant skills and needs, that braille is not an appropriate literacy medium for the student.

S.B. 522 removes a requirement for the assessment of each applicable student for the purpose of developing the student's IEP to include documentation of the student's strengths and weaknesses in braille skills, removes a requirement that each such student's IEP specify the appropriate learning medium based on the assessment report, and removes a requirement for the Texas Education Agency to determine the criteria for a student to be classified as functionally blind for purposes of the provision of braille instruction. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.