

BILL ANALYSIS

Senate Research Center
86R6807 TSS-F

S.B. 522
By: Zaffirini
Education
3/15/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 522 is to clarify the language that guides the development of Individualized Education Programs (IEP) regarding visual impairment and braille instruction and align Texas standards with federal standards.

The Texas Action Committee for the Education of Students with Visual Impairment has been working on this proposal to remove the term "functionally blind" from state education law. There has been huge confusion about the meaning of this term and the forms that have been developed to explain it over many years, as the current definition in the Administrative Code is too vague to provide any meaningful guidance. The concern is that this language may actually be blocking braille instruction when it would be appropriate for some students and requiring other students who do not need braille instruction to receive it anyway.

S.B. 522 would replace the term "functionally blind" with wording that is closer to federal law under the Individuals with Disabilities Education Act. Specifically, this bill would specify that an IEP for a student with visual impairment is required to provide for instruction in braille if deemed appropriate by the student's IEP team, based on an evaluation of their proficiency in relevant skills and their instructional needs. This change would ensure that students who truly would benefit from braille instruction can receive such instruction, while students who would not benefit from braille instruction would have other more suitable educational resources made available to them.

As proposed, S.B. 522 amends current law relating to the development of an individualized education program for a public school student with a visual impairment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.002, Education Code, by amending Subsection (f) and adding Subsection (f-1), as follows:

(f) Provides that in the development of the individualized education program (IEP) for a student with a visual impairment, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress, rather than providing that in the development of the IEP for a functionally blind student, proficiency in braille reading and writing is presumed to be essential for the student's educational progress. Requires the IEP for a student with a visual impairment to include instruction in braille and the use of braille unless the student's admission, review, and dismissal committee determines and documents that braille is not an appropriate literacy medium for the student. Requires the committee's determination to be based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs. Makes conforming changes and deletes existing text providing that each functionally blind student is entitled to braille reading and writing instruction that is sufficient to

enable the student to communicate with the same level of proficiency as other students of comparable ability who are at the same grade level. Provides that braille instruction:

(1) creates this subdivision from existing and makes nonsubstantive changes; and

(2) is required to be provided by a teacher certified to teach students with visual impairments. Deletes existing text requiring the assessment of each functionally blind student to include documentation of the student's strengths and weaknesses in braille skills.

(f-1) Creates this subsection from existing text and makes conforming changes. Deletes existing text requiring each functionally blind student's IEP to specify the appropriate learning medium based on the assessment report and ensure that instruction in braille will be provided by a teacher certified to teach students with visual impairments and requiring the Texas Education Agency to determine the criteria for a student to be classified as functionally blind.

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.