

## **BILL ANALYSIS**

Senate Research Center  
81R9583 CAS-D

S.B. 2082  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Orientation and mobility (O&M) is a special education service designed to teach children who are visually impaired to attain orientation and safe movement within their environments. Most children who are blind, have low vision, or are deaf-blind need O&M at some point even if they have additional physical or cognitive disabilities, are very young, use a wheel chair, or have little purposeful movement. O&M provides independence to children whose basic freedom to move is limited by their vision loss.

Although federal special education regulations require the full and individual initial evaluation for special education to include assessments in "all areas related to the suspected disability," and O&M is clearly related to a visual impairment, the data indicate this is not happening for all children. Of the 8,000 children in Texas who are visually impaired, only 50 percent have received an O&M evaluation within the past three years, and only 30 percent actually receive the service.

Texas Education Agency rules require a teacher of students with visual impairments to determine if a child needs an O&M evaluation. However, because of limited understanding of this unique service, and concerns about cost and staffing, many children go without an evaluation and services.

As proposed, S.B. 2082 requires that the O&M assessment be conducted in a variety of settings, including the home, school, and community. This ensures that children will be identified who may appear to have adequate skills in a few familiar settings but are unable to apply them in unfamiliar settings. The bill would require the evaluation to occur in daylight and at night to identify those with visual conditions resulting in difficulty moving safely in a dark or dimly lit environment.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 30.002, Education Code) and SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 30.002, Education Code, by adding Subsections (c-1) and (c-2), as follows:

(c-1) Requires that the full individual and initial evaluation of the student required by Section 29.004 (Full Individual and Initial Evaluation), to implement Subsection (c)(1) (relating to the requirements of the comprehensive statewide plan for the education of children with visual impairments) and to determine a child's eligibility for a school district's special education program on the basis of a visual impairment, to, in accordance with commissioner of education (commissioner) rule:

(1) include an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist, as determined under commissioner rule; and during the day and at night in a variety of settings, including in the student's home, school, and community and in settings unfamiliar to the student; and

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

(c-2) Requires that any reevaluation by a school district of a student who has been determined, after the full individual and initial evaluation, to be eligible for the district's special education program on the basis of a visual impairment, in accordance with commissioner rule, include an orientation and mobility evaluation conducted by a person described by Subsection (c-1)(1)(A) (relating to a person appropriately certified as an orientation and mobility specialist).

SECTION 2. (a) Requires the commissioner to adopt rules necessary to implement Sections 30.002(c-1) and (c-2), Education Code, as added by this Act, not later than January 1, 2010.

(b) Requires that Sections 30.002(c-1) and (c-2), Education Code, as added by this Act, be implemented not later than the beginning of the 2010-2011 school year.

SECTION 3. Effective date: upon passage or September 1, 2009.