

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1300  
Ways and Means

(Delegate A. Washington, *et al.*)

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Special Education - Visually Impaired Students - Orientation and Mobility  
Evaluation

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This bill requires each local school system to provide a formal evaluation of the orientation and mobility skills of a child who is visually impaired in an initial evaluation for the determination of the child's eligibility for an individualized education program (IEP). The evaluation must be conducted by a certified orientation and mobility (O&M) specialist in various lighting conditions and settings, including at the child's home, school, and various community-based areas that are familiar and unfamiliar to the child. Each IEP reevaluation of the child must include a similar evaluation to determine the level of support from a certified O&M specialist required by the child.

The bill takes effect July 1, 2014.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Many local school systems will be required to hire or contract for additional O&M specialists, who must be certified. Therefore, local school system expenditures increase, and in some systems by a significant amount, depending on the number of children in each local school system that must be evaluated under the bill. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** To the extent that local school systems will need to contract with small businesses that provide O&M services, small businesses may benefit.

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## Analysis

**Bill Summary:** The bill defines “child who is visually impaired” in the same manner as “child who is blind or visually impaired” in section 8-408 of the Education Article. Specifically this means a child who:

- has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;
- has a medically indicated expectation of visual deterioration; or
- has a medically diagnosed limitation in visual functioning that restricts the child’s ability to read and write standard print at levels expected of other children of comparable ability and grade level.

Any determination or recommendation regarding the O&M skills of a child who is visually impaired made during an evaluation required by the bill must be included in the child’s IEP. The local school system must provide oral and written notice to the parents or guardians of a child who is visually impaired of the availability of O&M services.

**Current Law/Background:** Under current law, if at the initial IEP meeting it is suspected that a child is visually impaired a decision will be made regarding an appropriate assessment and at the *next* IEP meeting, an appropriate set of services may be determined based on the results of the assessment.

### *Individualized Education Program*

The federal Individuals with Disabilities Education Act (IDEA) requires that a student with disabilities be provided a free appropriate public education in the least restrictive environment, in accordance with an IEP specific to the individual needs of the student. An IEP is a written statement for each child with a disability, that among other things must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child’s progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent or guardian of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child’s IEP and for revisions to the IEP.

In developing the IEP for a child who is blind or visually impaired, provisions must be made for instruction in Braille and the use of Braille unless the IEP team determines after an evaluation that such instruction or use is not appropriate for the child. Under Chapters 254 and 255 of 2010, the State Board of Education was required to establish standards for the mastery of Braille for use in English, language arts, and mathematics instruction of students who are blind or visually impaired in pre-kindergarten through

grade 12 by September 1, 2012. The State Board of Education and the Professional Standards and Teacher Education Board were required to adopt certification standards for teachers of blind and visually impaired students by September 1, 2013.

### *Transition from Maryland Infants and Toddlers Program (MITP) to a Local School System*

MITP provides a statewide community-based interagency system of comprehensive early intervention services to eligible infants and toddlers, birth through age two, and their families. Historically, MITP has provided these services to eligible children from birth until their third birthday through the development of an Individualized Family Service Plan (IFSP). If on a child's third birthday it was determined that a child continued to need special education services, an IEP was developed for the child. In that case, funding for the services needed by the child was provided through federal grants pursuant to IDEA and State preschool special education services rather than through MITP.

In 2010, federal IDEA law changed to permit states to make IFSP early intervention services available to children beyond their third birthday (34 CFR § 303.211). In response to this federal flexibility, on February 1, 2010, Maryland began offering families of eligible children the choice to continue to receive early intervention services through an IFSP or to begin services through an IEP when the child is three years old. This choice is known as the Extended IFSP Option. Legislation has been proposed this session (HB 428) to codify this option in State law.

### *Orientation and Mobility Services*

O&M specialists help people with visual impairments learn to travel independently. These professionals work with individuals who have visual impairments to help them adapt to and navigate through their environment using their remaining senses.

The Maryland State Department of Education (MSDE) advises that there are approximately 300 students in Maryland whose *primary* disability is blindness or visual impairment and that roughly the same number of students receive O&M services. The number of these students in each local school system ranges from 1 to 60. However, there are approximately 1,500 additional students who receive vision services as a result of a visual impairment but whose primary disability on their IEP or ISFP is not blindness or visual impairment. Approximately 18% of those 1,500 students currently receive O&M services. According to MSDE, there are about 25 O&M specialists in Maryland local school systems and at the Maryland School for the Blind (MSB). Some local school systems do not have O&M specialists on staff but contract with MSB for O&M services. MSDE further advises that in Maryland only MSB and Prince George's County Public Schools have national certification as issued through the Academy for Certification of

Vision Rehabilitation and Education Professionals (ACVREP) and that there is no State-level certification.

**Local Fiscal Effect:** Given that the evaluation must be conducted by a certified O&M specialist in various lighting conditions and settings, including at the child's home, school, and various community-based areas that are familiar and unfamiliar to the child, each evaluation will be time-intensive and may involve a significant amount of travel time for O&M specialists. Depending on the number of children who at the time of an evaluation or re-evaluation for determination of eligibility for an IEP are known to fit the definition of a "child who is visually impaired," local school systems may be required to hire, or contract for, additional O&M specialists. It is assumed that this will include at least the approximately 300 children whose primary disability involves blindness or visual impairment and may also include a substantial portion of the additional 1,500 children who receive vision services but whose primary disability on their IEP or ISFP is not blindness or visual impairment. Larger local school systems may need to hire more than one additional O&M specialist. A beginning O&M specialist may earn as much as \$45,000 to \$50,000 in base salary.

Local school systems will also incur additional expenses associated with compensating O&M specialists for travel to sites required under the bill and for certification of existing staff and newly hired O&M specialists. ACVREP documentation indicates that initial certification for an individual will cost approximately \$600, including fees for an application, an exam, and for a five-year certification, which may be borne by the school system to meet the certification requirement of the bill. Therefore, in at least some counties, local school board expenditures increase beginning in fiscal 2015, by an undetermined but potentially significant amount.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Academy for Certification of Vision Rehabilitation and Education Professionals, Northeast Regional Center for Vision Education, Maryland State Department of Education, Department of Legislative Services

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