

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

Senate Bill 538 (Senators Conway and Middleton)

Education, Health, and Environmental Affairs

Ways and Means

**Blind or Visually Impaired Children - Individualized Education Programs -
Orientation and Mobility Instruction**

This bill requires orientation and mobility (O&M) instruction to be included in the individualized education program (IEP) of a child who is blind or visually impaired, unless the IEP team for that child determines that O&M instruction is not appropriate for the child. If the IEP team objects to the inclusion of O&M instruction in the child's IEP because the team finds it inappropriate, it must order an O&M assessment to be conducted. Within 30 days of receiving an O&M assessment, the IEP team that ordered the assessment must meet to consider the assessment results and determine if O&M instruction is appropriate for the child. If the IEP team determines that O&M instruction is not appropriate, it may not include O&M instruction in the child's IEP. A child may not be denied O&M instruction solely because the child has some remaining vision.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) and the State Board of Education can adopt specified regulations and guidelines using existing resources.

Local Effect: Some local school systems will be required to hire or contract for additional O&M specialists, who must meet MSDE qualification standards. 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 receive O&M instruction or 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.

Analysis

Bill Summary: An O&M assessment must, at a minimum, contain input from the child's parent and classroom teacher, and consider the child's age; current and future needs; ability to function in familiar and unfamiliar areas; and ability to function under various lighting conditions. The IEP team's determination regarding provision of O&M instruction is binding for the entire school year unless the child's circumstances change significantly. Each local school system must provide verbal and written notice at least annually to the parent of a child who is blind or visually impaired of the availability of O&M instruction. O&M instruction must be provided by a qualified individual, as defined by regulations that MSDE must adopt by January 1, 2017. By March 1, 2017, MSDE must also provide guidelines to each local school system on conducting O&M assessments prescribed by the bill. The State board must adopt regulations, consistent with specified current law, to implement provisions of the bill. The regulations may not have the effect of prohibiting a blind or visually impaired individual from being qualified to provide O&M instruction or conduct an O&M assessment.

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 child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, 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 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.

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.

MSDE advises that there are approximately 315 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 62. However, there are approximately 1,300 additional students who receive vision services as a result of a visual impairment but whose primary disability on their IEP is not blindness or visual impairment. Approximately 20% of those 1,300 students currently receive O&M services. According to MSDE, there are about 17 O&M specialists in Maryland local school systems and 13 employed by the Maryland School for the Blind (MSB). MSDE advises that most O&M specialists are dual certified as Teachers of the Visually Impaired. Some local school systems do not have O&M specialists on staff but contract with MSB for O&M services.

The Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) provides certification for O&M specialists nationally. ACVREP certification is one option available to MSDE in defining what constitutes an individual who is qualified to provide O&M instruction services.

Local Fiscal Effect: Depending on the number of children for whom an IEP team does not find O&M to be inappropriate each school year, local school systems may be required to hire, or contract for, additional specialists in O&M assessment and instruction. It is assumed that this will include at least the approximately 315 children whose primary disability involves blindness or visual impairment and may also include a substantial portion of the additional 1,300 children who receive vision services but whose primary disability on their IEP 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 \$50,000 in base salary.

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 system expenditures increase beginning in fiscal 2016, by an undetermined but potentially significant amount. To the extent that O&M instruction services are already provided for blind or visually impaired students served by a particular local school system, and to the extent that the instruction is currently provided by highly-qualified individuals, the bill will not result in additional O&M instruction costs.

Additional Information

Prior Introductions: None.

Cross File: HB 535 (Delegate Turner, *et al.*) - Ways and Means.

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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