

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 150

INTRODUCER: Senator Altman and others

SUBJECT: Deaf and Hard-of-hearing Children

DATE: March 15, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 150 creates the Deaf and Hard-of-hearing Children's Educational Bill of Rights. The bill requires the Department of Education to develop a model addressing communication considerations for students who are deaf or hard-of-hearing as part of the individual educational plan process for a student who is deaf or hard-of-hearing. Additionally, the Department of Education must disseminate the model to each school district and provide training as needed.

The bill has an effective date of July 1, 2013.

This bill creates an undesignated section of law.

II. Present Situation:

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.¹ As the state educational agency, the Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.²

¹ 20 U.S.C. s.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

² 34 C.F.R. s. 300.149.

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.³ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.⁴

Current law requires that for a child who is deaf or hard-of-hearing, the IEP team consider: the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.⁵

In the fall of 2011, 4,098 students were identified as deaf or hard-of-hearing.⁶ The DOE has developed, in collaboration with the Florida School for the Deaf and Blind and a statewide leadership team, a draft model communication plan that was disseminated to all 67 school districts in November 2012. Initial feedback is anticipated in late March 2013.⁷

Educational options for students with hearing impairments have expanded significantly in the last 30 years in that students are increasingly attending traditional schools and being educated in general education classrooms.⁸ Other developments have changed the classroom experiences of students with hearing impairments in the last three decades as well, including the evolution of implant technology and technologies such as visual or text communication devices and speech-to-print software. Still, despite advances and efforts to improve the outcomes of students with hearing impairments, evidence suggests that these students continue to lag behind their general education peers in academic achievement.⁹

III. Effect of Proposed Changes:

SB 150 creates the Deaf and Hard-of-hearing Children's Educational Bill of Rights. The bill requires the DOE to develop a model that addresses communication considerations for students who are deaf or hard-of-hearing as part of the individual educational plan process for a student who is deaf or hard-of-hearing. Additionally, the DOE must disseminate the model to each school district and provide training as needed.

³ Rule 6A-6.03028(3), F.A.C.

⁴ 20 U.S.C. s. 1414(d)(3)(A) and (B).

⁵ 20 U.S.C. s. 1414(d)(3)(B)(iv) and Rule 6A-6.03028(3)(g)9., F.A.C.

⁶ Florida Department of Education, *Membership in Programs for Exceptional Students, Fall 2011* (Jan. 2012), available at <http://www.fldoe.org/eias/eiaspubs/word/esemem1112.doc>, at 2.

⁷ E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

⁸ United States Department of Education Institute of Education Sciences, *Facts from NLTS2: The Secondary School Experiences and Academic Performance of Students with Hearing Impairments* (Feb. 2011), <http://ies.ed.gov/pubsearch/pubsinfo.asp?pubid=NCSE20113003> (last visited March 13, 2013), at 1.

⁹ *Id.*

The model will provide for a more thorough evaluation of a student's needs. Currently, Florida's IEP only requires the IEP team to check two boxes and provide brief sentences to indicate that the communications needs have been considered.¹⁰ Additionally, parents will be able to utilize the information provided by the model to develop IEPs for students which will likely result in better targeted services for such students.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁰ E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
