

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 461 Deaf and Hard-of-Hearing Students

SPONSOR(S): Choice & Innovation Subcommittee, Rooney, Jr. and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 150

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Ammel	Fudge
2) Government Operations Subcommittee	(ref. Removed)		
3) Education Appropriations Subcommittee	(ref. Removed)		
4) Education Committee	14 Y, 0 N	Ammel	Mizereck

SUMMARY ANALYSIS

The bill requires the Department of Education and the Florida School for the Deaf and Blind, with input from education stakeholders, to develop a model communication plan that shall be used during the development of an individual educational plan for a deaf or hard-of-hearing student. The bill requires the department to adopt the model in rule and make it available online to all districts no later than December 31, 2013. The department shall provide technical assistance for using the model plan.

For a child who is deaf or hard-of-hearing, current law requires that 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. Florida's individual educational plan currently only requires the IEP team to check two boxes and provide brief statements to indicate that the communications needs have been considered, in accordance with federal law. Still, according to the U.S. Department of Education, despite advances and efforts to improve the outcomes of student with hearing impairments, evidence suggests that students with hearing impairments continue to lag behind their general education peers in academic achievement.

The bill does not have a fiscal impact on state or local governments.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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, inclusive, 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

An individual educational plan or individual family support plan must be developed, reviewed, and revised 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.³ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, and results of the initial evaluation or most recent evaluation of the child, the academic, developmental, and functional needs of the child, as well as special factors.⁴

In the fall of 2011, 4,098 students were identified as deaf or hard-of-hearing.⁵ Children with disabilities, including those who are deaf or hard-of-hearing, may receive ESE services if they meet specific requirements. 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.⁶ 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, according to the U.S. Department of Education, 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.⁷

For a child who is deaf or hard-of-hearing, current law requires that 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.⁸ Florida's individual educational plan currently only requires the IEP team to check two boxes and provide brief sentences to indicate that the communications needs have been considered.⁹

The department 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

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.

³ Rule 6A-6.03028(3), F.A.C.

⁴ 20 U.S.C. s.1414(d)(3)(A) and (B).

⁵ [Membership in Programs for Exceptional Students, 2011-12](#), DOE State Student Information Database, Table 5.

⁶ *The Secondary School Experiences and Academic Performance of Students With Hearing Impairments*, U.S. Department of Education Institute of Education Sciences National Center for Special Education Research, February 2011 at: <http://ies.ed.gov/pubsearch/pubsinfo.asp?pubid=NCSER20113003>

⁷ *Id.* at 1.

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

⁹ Telephone interview with Deaf and Hard-of-Hearing Specialist, Bureau of Exceptional Education and Student Services, Florida Department of Education (Feb. 18, 2013).

districts in November 2012. The model plan requires a more thorough evaluation of the student's needs. Initial feedback is anticipated in late March 2013.¹⁰

Effect of Proposed Changes

The bill requires the Department of Education, in coordination with the Florida School for the Deaf and the Blind, and with input from education stakeholders, to develop a model communications plan that shall be used in the development of an individual educational plan for a student who is deaf or hard-of-hearing. The model must be adopted in State Board of Education rule and be made available to districts on-line no later than December 31, 2013. The department shall provide technical assistance for using the model.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.55; requiring the Department of Education to develop a model education plan to be used in the development of an individual educational plan for a deaf or hard-of-hearing student; requiring the plan be adopted in State Board of Education rule; and providing a deadline for posting the plan online.

Section 2. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires the Department of Education to develop a model communications plan, make it available on-line and then provide technical assistance to districts for using the plan. These requirements can be accomplished within existing departmental resources, so no impact on state expenditures is expected.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

¹⁰ Telephone interview with Deaf and Hard-of-Hearing Specialist, Bureau of Exceptional Education and Student Services, Florida Department of Education (Feb. 25, 2013).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt, in rule, the model communication plan.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2013, the Choice & Innovation Subcommittee reported the proposed committee substitute to HB 461 favorably as a committee substitute. The proposed committee substitute: clarifies the considerations an Individual Educational Plan (IEP) team must address when developing a plan for a student who is deaf or hard-of-hearing; requires the Department of Education (DOE) with the Florida School for the Deaf and Blind and input from stakeholders to develop a model communication plan for use in the IEP development; requires the plan to be adopted in State Board of Education Rule and available online no later than December 31, 2013; and requires the DOE to provide technical assistance in using the model communication plan. This analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.