

**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 Appropriations Subcommittee on Education

**BILL:** CS/CS/SB 150

**INTRODUCER:** Appropriations Subcommittee on Education; Committee on Education; Senator Altman and Others

**SUBJECT:** Deaf and Hard-of-Hearing Children

**DATE:** March 26, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Fav/CS</b>
2.	Armstrong	Elwell	AED	<b>Fav/CS</b>
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/CS/SB 150 clarifies the considerations that the individual educational plan (IEP) team must address to develop an IEP for a student who is deaf or hard-of-hearing. The bill also requires the Department of Education, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development. The Department of Education must provide technical assistance regarding using the model communication plan.

The bill has a minimal fiscal impact.

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

This bill amends section 1003.55 of the Florida Statutes.

## 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> Currently, Florida's IEP process only requires the IEP team to check two boxes and provide brief sentences to indicate that the communications needs have been considered.<sup>6</sup>

In the fall of 2011, 4,098 students were identified as deaf or hard-of-hearing.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> Other developments have changed the classroom experiences of

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

<sup>2</sup> 34 C.F.R. s. 300.149.

<sup>3</sup> Rule 6A-6.03028(3), F.A.C.

<sup>4</sup> 20 U.S.C. s. 1414(d)(3)(A) and (B).

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

<sup>6</sup> E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

<sup>7</sup> 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.

<sup>8</sup> E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

<sup>9</sup> 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=NCSER20113003> (last visited March 13, 2013), at 1.

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.<sup>10</sup>

### **III. Effect of Proposed Changes:**

CS/CS/SB 150 clarifies that to develop an IEP for a student who is deaf or hard-of-hearing, the IEP team must consider:

- The student's language and communication needs;
- Opportunities afforded to the student for direct communication with peers and professional personnel in the student's language and communication mode, and
- The student's academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The bill requires the DOE, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development. The model communication plan must be adopted in State Board of Education Rule and made available online to all school districts no later than December 31, 2013. The DOE must provide technical assistance regarding using the model communication plan.

The model will provide for a more thorough evaluation of a student's needs. 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.

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<sup>10</sup> *Id.*

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill will have a minimal fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations Subcommittee on Education on April 11, 2013:**

The committee substitute:

- Clarifies that education stakeholders include representatives of the auditory-oral community.

**CS by Committee on Education on March 18, 2013:**

The committee substitute differs from SB 150 in that the committee substitute:

- Clarifies the considerations that the IEP team must address to develop an IEP for a student who is deaf or hard-of-hearing;
- Requires the DOE, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development;
- Requires the plan to be adopted in rule by the State Board of Education Rule and made available online to all school districts no later than December 31, 2013; and

Requires the DOE to provide technical assistance regarding using the model communication plan.

**B. Amendments:**

None.