

Summary of 1st Substitute H.B. 296, "Schools for the Deaf and the Blind Amendments"

Background

During the 2007 Utah State legislative session, concerns were raised about the purpose and services of the Utah Schools for the Deaf and the Blind (USDB). Through a review of the existing statute (53A-25-101 to 306), a number of sections were identified as being outdated. The Utah State Office of Education (USOE) was asked to facilitate a review of the statute and to recommend appropriate amendments. The USDB Legislative Workgroup, made up of stakeholders, was organized in July 2007 to review existing state statute and recommend amendments. First Substitute H.B. 296, co-sponsored by Representatives Kenneth Sumsion and Jennifer Seelig, has been proposed in response to the work done by the USDB Legislative Workgroup.

Key Points

First Substitute HB 296 is intended to simplify statutory language and replaces Title 53A, Chapter 25 of the Utah Code. Some of the key points include:

Administrative Structure

Creates the Utah Schools for the Deaf and the Blind (USDB) as a single public school agency (53A-25b-103) that is governed by the Utah State Board of Education.

Establishes the administrative team as one superintendent who serves as the chief executive officer with an associate superintendent over the Utah School for the Blind and an associate superintendent over the Utah School for the Deaf.

The superintendent is to hold an administrative/supervisory license, have demonstrated success in administration of education programs and organizational management, and knowledge of special education law.

The associate superintendents are to have demonstrated competency as expert educators in their field and knowledge of school management and instruction of students who are blind or deaf respectively.

Eligibility

First Substitute HB 296 would significantly change Utah Code to allow students who are deaf, blind, or deafblind who do not require special education to now be eligible to receive services from USDB. Students with qualifying disabilities (deaf, blind, or deafblind) who qualify for special education as defined through the Individuals with Disabilities Education Act (IDEA) or for a Section 504 Accommodation Plan, under the proposal, may receive services from USDB (53A-25b-301). Current state code requires that the process by which students are placed at USDB be through the special education IEP process (53A-25-104 and 203). For children under the age of three, the bill provides specific eligibility language.

The bill directs the Utah State Board of Education to make rules that determine the eligibility of students for services of the USDB (53A-25b-301(5)). This will include entrance policies and procedures that IEP teams and Section 504 teams are to consider in making recommendations for student placement at USDB (53A-25b-302).

Definitions of hearing impairment (including deafness, hard of hearing, and functional hearing loss), visual impairment (including blindness, low vision, and functional blindness), and deafblind are articulated.

Services

The USDB shall provide an educational program based on assessments of the student's abilities.

The plan for services will be developed through the student's IEP or Section 504 accommodation plan.

Educational programs are to enable students to access the core curriculum.

USDB shall provide instruction in Braille to blind students in accordance with the Blind Persons' Literacy Rights and Education Act (Utah Code 53A-25a-101 to 106).

Accountability

USDB becomes the designated LEA for the purposes of meeting IEP and Section 504 service requirements when the local education agency of residence, the parents, and USDB agree that USDB is the appropriate educational placement for services.

USDB students will participate in annual educational assessments as prescribed through Utah's Performance Assessment System for Students (UPASS).

USDB will annually report data to the Utah State Board of Education and the Education Interim Committee, including:

- Number of students served by USDB
- The services provided
- Student participation in assessment
- Academic achievement of USDB students
- Enrollment impact at USDB based on statutory changes regarding eligibility

Advisory Council

The current USDB Institutional Council would be renamed the USDB Advisory Council to align with other advisory committees to the Utah State Board of Education.

The USDB Advisory Council shall advise and make recommendations to the Utah State Board of Education, superintendent, and associate superintendents.

In addition to the current statutory language that provide for membership of two individuals who are blind and two individuals who are deaf, First Substitute H.B. 296 would include two new positions on the USDB Advisory Council for individuals who are deafblind or the parents of deafblind students. The remaining positions (up to a total of eleven voting members) will be determined by the State Board of Education.

Staff Compensation

The proposal clarifies the process by which the Utah State Office of Education and the Utah State Legislature provide for annual adjustments in compensation for educators at USDB, including steps and lanes.

Several new categories of educational professionals who have comparable education, experience, licensure, and responsibilities are added to the definition of educator so that they are included in the negotiated agreement and compensation package. This helps to ensure that their compensation is competitive with that of similar staff in school districts.