

February 3, 2017

Alyssa Rafa
arafa@ecs.org

Your Question:

You requested information about recent shifts in how states operate state Schools for the Blind and/or state Schools for the Deaf. More specifically, you asked about what legislation has passed in the last decade with regard to these schools and whether there have changes in any states to the application of the federal Individuals with Disabilities Education Act (IDEA).

Our Response:

While states have passed legislation in the last decade that applies to schools for the blind and deaf, to our knowledge, few bills have been aimed at directly altering governance of those schools. Unfortunately, ECS has not authored reports or 50 state comparisons on these state run schools. However, we are providing examples of state legislation related to schools for the deaf and blind, including a few bills related to governance of these schools as well as bills related to coordination and reporting. We have also compiled information on the closing of state run schools for the deaf in Washington state and further resources.

Case Study:

Washington's state constitution includes language requiring the state to support education for deaf and blind children. In this [opinion](#), the state courts indicated that the legislature could repeal the statutes establishing the state schools for the blind and deaf without violating the constitution. Additionally, the courts reiterated that the state does have an obligation to provide educational programs for blind and deaf children.

Washington [HB 1879](#) (2009) provides for the delivery of educational services to children who are deaf and hearing impaired. It establishes the Washington state center for childhood deafness and hearing loss and abolishes the state school for the deaf, transferring its powers, duties, and functions to the Washington state center for childhood deafness and hearing loss.

State Legislation:

State legislative trends include altering governance of state schools for the deaf and blind, facilitating collaboration and instituting reporting requirements. For a more comprehensive list of state policies related to schools for the blind and deaf, please visit the [ECS State Policy Database](#) (tip: select the blue "expand all" button and search for terms).

Bills related to governance

- **Idaho** [SB 1233](#) (2009) directs that references to the Idaho School for the Deaf and the Blind are changed to the Bureau of Educational Services for the Deaf and the Blind and located the Bureau's budget within the Educational Support Program Division of Children's Programs.
- **Virginia** [HB 2353](#) (2009) re-establishes the Board of Visitors of the State School for the Deaf and the Blind as the governing entity for the State School for the Deaf and the Blind at Staunton and the State School for the Deaf, Blind and Multi-Disabled at Hampton.
- **Utah** [HB 296](#) (2009) creates the State School for the Deaf and Blind (SSDB) as a single public school agency and a public corporation and allows it to serve as the designated LEA for a student subject to state laws. Provides that the state board of education is the governing board of the SSDB.

Bills related to collaboration

- **Kansas** [SB 323](#) (2016) requires the Kansas State Department of Education, the Kansas Department of Higher Education, and the State School for the Deaf to enter into interagency agreements with the Kansas Commission for the Deaf and Hard of Hearing to share statewide aggregate data. This bill also requires the KCDHH to publish a report specific to language and literacy development of children who are deaf or hard of hearing for each age from birth to age eight, relative to such children's peers who are not deaf or hard of hearing.
- **North Carolina** [HB 317](#) (2013) directs the state board of education to improve educational outcomes for children who are deaf and hard-of-hearing, including the development of a database containing information on children under the age of 22 to be made available to the Department of Public Instruction. Directs the department to use the information to develop and maintain a statewide data tracking system for the purpose of coordinating with other state agencies and organizations and ensuring literacy achievement for all students who are deaf and hard-of-hearing.

Bills related to reporting requirements

- **California** [SB 210](#) (2015) requires, among other things, that the State Department of Education's Deaf and Hard of Hearing Unit produce a report that is specific to language and literacy development of deaf and hard-of-hearing children from birth to 5 years of age, relative to their peers who are not deaf or hard-of-hearing. Requires the department to make the report publicly available.
- **Tennessee** SB 2355 (2014) requires the state board of education to report on the use of the scholarship fund for deaf students graduating from the Tennessee School for the Deaf and the amount of moneys in the fund annually.

Further Resources:

The [National Center on Deaf-Blindness](#) is a national technical assistance center funded by the U.S. Department of Education. This [interactive map](#) provides information on the percentage of children in each state attending regular class, separate schools, residential facilities, etc. While we were unable to locate policy-specific information on their website, one of the organization's goals is to identify and encourage new innovations in local, state and national practice and policy. As such, they may have more information regarding state schools for the blind and deaf. For further information, contact them [here](#).

[The Individuals with Disabilities Education Act \(IDEA\)](#) is a federal law that requires states to ensure that free appropriate public education (FAPE) is available to all eligible children with disabilities residing in that state, including students who are deaf and hard-of-hearing. Students are entitled to the development of an Individualized Education Program (IEP) and an Individualized Family Service Plan (IFSP), by law. To our knowledge, nothing has changed with the application of this federal law to state programs.