

Date of Hearing: April 12, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 1051 (Cervantes) – As Amended March 23, 2023

**SUBJECT:** Education finance: state special schools

**SUMMARY:** Requires, commencing with the 2024–25 fiscal year, that the amount apportioned to the State Special Schools for the Deaf and the Blind (SSS) for categorical programs as of the 2012-13 fiscal year be annually adjusted by a cost-of-living (COLA) adjustment, and states the intent of the Legislature to provide an annual COLA to the SSS and Diagnostic Centers.

Specifically, **this bill:**

- 1) Requires, commencing with the 2024–25 fiscal year, the amount apportioned to the State Special Schools for the Deaf and the Blind (SSS) for categorical programs as of the 2012-13 fiscal year be adjusted each fiscal year by the COLA, based on the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States.
- 2) States the intent of the Legislature to increase the amount of state funding appropriated for the SSS and centers by the COLA adjustment provided to LEAs.

**EXISTING LAW:**

- 1) Establishes two SSS for the Deaf, one each in Northern and Southern California, under the administration of the California Department of Education (CDE), for the purpose of providing education to deaf students who cannot be provided an appropriate educational program and related services in the regular public schools. (Education Codes (EC) 59000, 59002).
- 2) States that the SSS for the Deaf are part of the public school system of the state except that they derive no revenue from the State School Fund. (EC 59001)
- 3) Requires the Superintendent of Public Instruction (SPI) to, in connection with the SSS for the Deaf, do all of the following:
  - a) Provide educational assessments and individual educational recommendations for individuals who are referred for those services;
  - b) Maintain a comprehensive elementary educational program, including related services, for deaf individuals; and
  - c) Serve as a regional secondary educational program providing a comprehensive secondary education, including a full-range academic curriculum, appropriate prevocational and vocational preparation opportunities, and nonacademic and extracurricular activities.
- 4) Makes the CDE responsible for appointing the superintendents and other officers of the SSS for the Deaf, and fixing the compensation of its employees, among other duties. (EC 59003)
- 5) Establishes the SSS for the Blind as a part of the public school system of the state, to provide for the education of visually impaired, blind, and deaf-blind students who, because of their

severe sensory loss and educational needs, cannot be provided an appropriate educational program and related services in the regular public schools. (EC 59101)

- 6) Requires the SPI to, in connection with the SSS for the Blind, do all of the following:
  - a) Provide educational assessments and individual educational recommendations for individuals referred for those services; and
  - b) Maintain a comprehensive elementary and secondary educational program, including related services and nonacademic and extracurricular activities for visually impaired, blind, and deaf-blind individuals. (EC 59102)
- 7) Makes the CDE responsible for appointing the superintendents and other officers of the SSS for the Deaf, and fixing the compensation of its employees, among other duties. (EC 59103)
- 8) Establishes three Diagnostic Centers, in Northern, Central, and Southern California, under the administration of the SPI. (EC 59200, 59202)
- 9) States that the Diagnostic Centers are a part of the public school system of the state, to provide services, including student assessment, consultation, technical assistance, and training, to school districts, county offices of education (COEs), and special education local plan areas (SELPA). (EC 59201)
- 10) Requires the Department of Human Resources (DHR) to consider making salaries for teachers, specialists, and administrators of the SSS for the Deaf and Blind and the Diagnostic Centers competitive with the salaries of similarly qualified school teachers, specialists, and administrators who are employed by the encompassing school districts. (EC 59004, 59104, 59205)
- 11) Requires the district of residence of the parent or guardian of any student attending a state-operated school, excluding day students, to pay the school of attendance for each student an amount equal to 10% of the excess annual cost of education of students attending an SSS. (EC 59300)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** The author states, “As of 2021, California has the highest number of blind and visually impaired students in the nation. State special schools provide an education to these deaf, hard of hearing, blind, and visually impaired students in addition to offering local educational agencies and special education programs with assessment services, technical assistance, and staff development. These state special schools provide California with invaluable services by catering to the unique educational and developmental needs of students with disabilities. However, despite their crucial role, systemic funding constraints undermine the quality services these schools can provide. Assembly Bill 1051 would address this issue by increasing the cost-of-living adjustment for state special school employees, ensuring that these schools have the resources to continue attracting and retaining qualified educators and provide a comprehensive education to students with disabilities.”

***The State Special Schools for the Deaf and the Blind and Diagnostic Centers.*** California operates three State Special Schools: the California School for the Deaf, Fremont, the California

School for the Deaf, Riverside, and the California School for the Blind (also located in Fremont). The CDE also operates three Diagnostic Centers, located in Fremont, Fresno, and Los Angeles. The SSS and Diagnostic Centers are administered through the CDE and are funded by an appropriation in the annual Budget Act.

The School for the Deaf, Fremont was established in San Francisco in 1860, and the School for the Deaf, Riverside was founded by legislation in 1946 (opening in 1953). The California School for the Deaf, Fremont moved to Berkeley in 1869 and to Fremont in 1980.

These schools provide instructional programs to approximately 900 deaf students in California. In addition, both schools serve as resources to educational and community service agencies. Students are enrolled in either a day school or a residential program, depending upon their individual needs and their residences. According to the Legislative Analyst's Office (LAO), as of 2016 about 60% of students at the SSS live on campus throughout the week but return home during weekends and school holidays. The remaining 40% of students live nearby and return home after school each day. The schools use the state curriculum frameworks and adopted or standards-aligned instructional materials as the basis of instruction. Students are referred through their LEAs. Beyond the academic and vocational/career education programs, both schools offer comprehensive support services and extracurricular activities. Outreach and technical assistance are provided to parents, LEAs, consumers, and the business and professional communities. The Schools for the Deaf operate a resource center that serves parents and community members who wish to learn more about deafness, infant/preschool programs, comprehensive school activities, and enrollment procedures.

The California School for the Blind was founded in San Francisco in 1860 and also moved to Berkeley and then to its current location in Fremont. Originally part of the same institution as the School for the Deaf, it became a separate school through legislation in 1922. The School for the Blind provides educational programs for approximately 100 blind, visually impaired, and deaf-blind students in residential as well as day school programs. Students range from five through twenty-two years of age. Preparation for adult life in the home community is the long-term goal for each student. The School for the Blind also provides LEAs with a variety of staff development programs to assist with local efforts in the areas of assistive technology and instruction for blind students.

The Diagnostic Centers were established in 1947 and provide various assessment services for individuals from three through twenty-two years. Referrals are made by the LEA after local resources are exhausted. All assessments are individualized to match students' needs and LEA/parent questions and concerns. Nearly 66% of assessments occur at the students' local school; all others occur at the Diagnostic Center. Teams of specialists in the fields of special education, school psychology, clinical psychology, speech/language pathology, motor development, and developmental pediatrics conduct the assessment programs. Parental involvement is emphasized throughout the student's assessment. Each Diagnostic Center also offers a variety of staff development and training as well as consultation services to LEAs, parents, and other service agencies. Training topics are developed according to the LEA's changing needs.

According to the CDE, the enrollment (resident and non-resident) of the three schools as of the 2022-23 school year is as follows has generally declined at each of the programs and this trend was exacerbated by the COVID-19 pandemic. *The Committee may wish to consider* that these

numbers do not include students who are served in other ways, such as through assessments and summer programs.

- School for the Deaf, Fremont: 391 students
- School for the Deaf, Riverside: 351 students
- School for the Blind: 64 students

**COVID-19 pandemic reduced enrollment at SSS.** Like LEAs, the SSS experienced enrollment declines during the school disruptions brought about by the COVID-19 pandemic. The SSS for the Blind reports that they were not able to enroll new students in Spring, 2020.

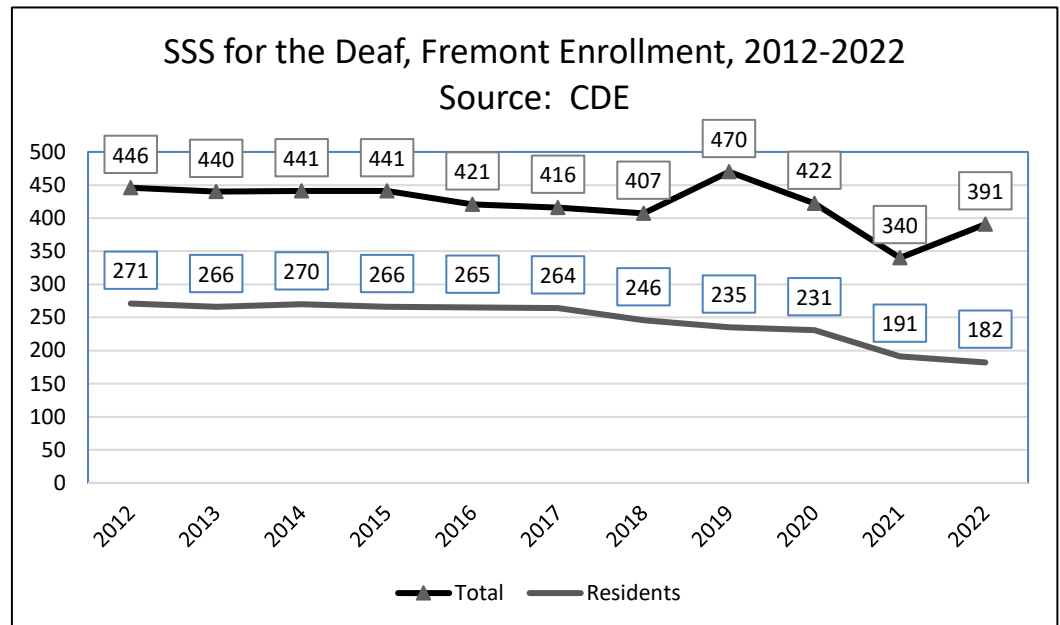
**Statewide enrollment of Deaf, Hard of Hearing, Deaf Blind, and Visually Impaired students.** According to the CDE, the number of California students who qualify for special education services under these categories as of the 2021-22 school year are:

- Deafness: 2,851
- Hard of hearing: 9,417
- Deaf-blindness: 87
- Visual impairment: 2,581

**Funding of the SSS and the Diagnostic Centers.** This bill is intended to require that a COLA be provided to the State Special Schools and the Diagnostic Centers in future fiscal years.

As noted above, the SSS are administered through the CDE and are funded by

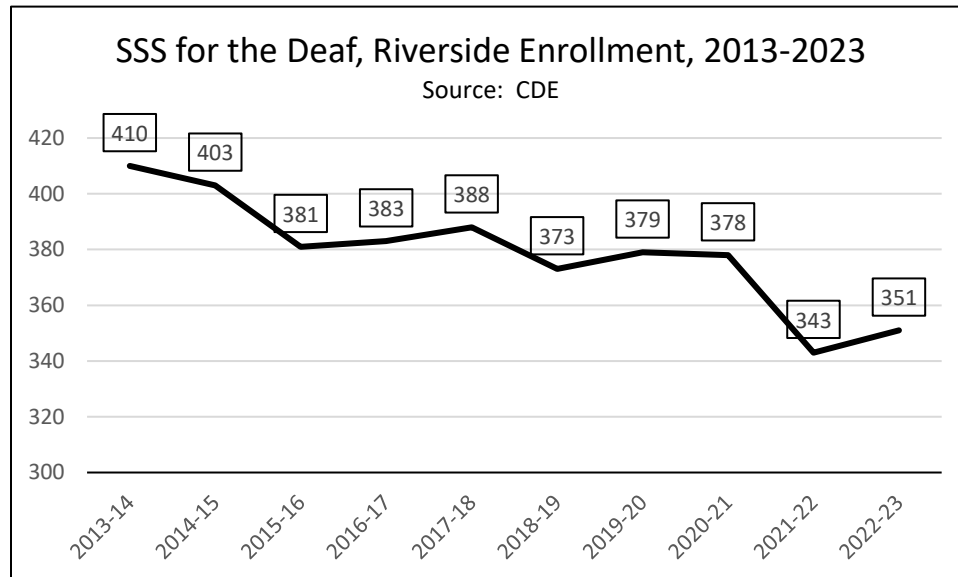
an appropriation of in the annual Budget Act. Unlike the LCFF, there is no statutorily required COLA for the SSS or the Diagnostic Centers.



The Budget Act of 2022 appropriated \$9.3 million for the School for the Blind, \$24.1 million for the School for the Deaf, Fremont, \$21.7 for the School for the Deaf, Riverside, and \$17.7 million for the three Diagnostic Centers. As noted above, current law requires the districts of residence of students to pay an amount equal to 10% of the excess annual cost of the education of residential students attending an SSS.

As noted below, concerns have been raised about the fixed appropriation level for the SSS irrespective of their enrollment. **The Committee may wish to consider** that the funding level for

the SSS is set in the annual budget process, and that this bill poses a separate question regarding whether the state should adjust funding to account for annual increases in program costs.

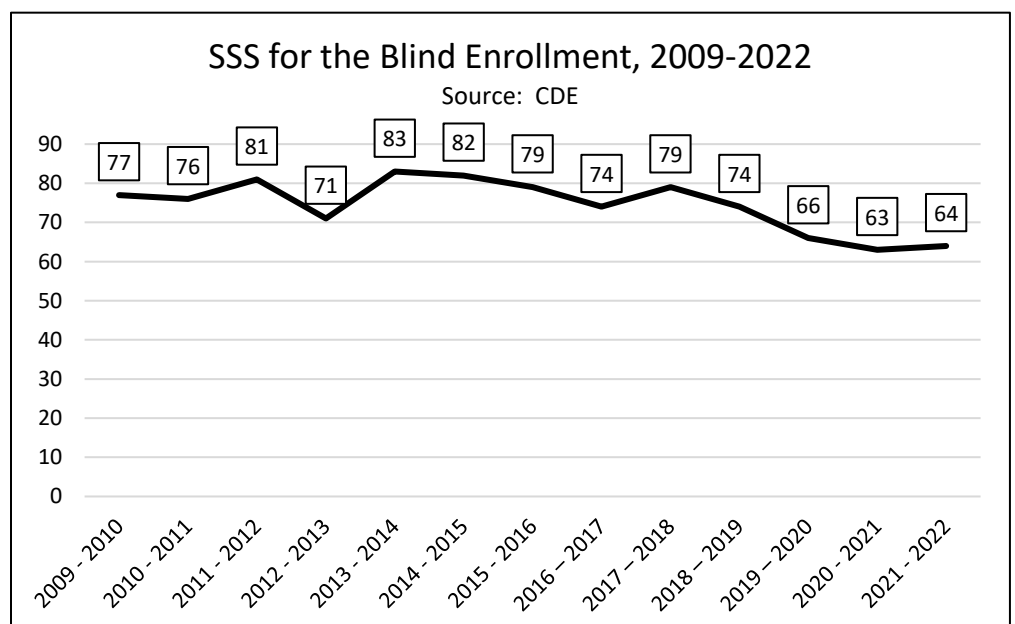


**Legislative Analyst's Office recommends changes to funding system for SSS.** In its 2016 report, *Improving Education for Deaf and Hard of Hearing Students in California*, the LAO notes, "For all public schools other than the SSS, the state adjusts funding to reflect annual

changes in student enrollment. As the state does not adjust SSS funding to reflect student enrollment, the SSS have no fiscal incentive either to increase their enrollment or prevent enrollment declines. Over the last 50 years, enrollment at the SSS has declined by more than 20% while overall funding for the SSS has increased significantly."

The LAO recommended that the Legislature adopt a statutory budget formula to adjust state SSS funding annually for changes in their enrollment. They recommended that, at a minimum, the new budget formula satisfy three major policy objectives: (1) ensure the SSS fulfill their mission of serving deaf and hard of hearing (DHH) students from sparsely populated areas, (2) reduce funding disparities between the SSS and local DHH programs, and (3) ensure a manageable transition from current funding levels. They also recommended increasing the reimbursement rate the SSS charges each district such that these districts have a fiscally neutral choice between referring students to the SSS and establishing their own regional programs. They suggested that savings could be used to start and expand regional DHH programs.

**Recommended Committee amendments.** Staff recommends that the bill be amended to clarify that the COLA provided would be an adjustment to the total SSS and Diagnostic Centers appropriation instead of just to the categorical programs they received in 2012-13, and to clarify that the



proposed COLA would apply to the Diagnostic Centers in addition to the three SSS.

**Related legislation.** AB 497 (Quirk Silva) of the 2023-24 Session would replace the requirement that LEAs provide braille instructional aides with information about an eliminated teacher training program with a requirement that LEAs provide these aides with information about the California Classified School Employee Teacher Credentialing Program.

AB 2541 (Quirk Silva) of the 2021-22 Session would have added funding to the Special Education Early Intervention Preschool Grant (SEEIPG) for the purpose of school districts contracting with the SSS for the Deaf and nonpublic schools (NPS) or nonpublic agencies (NPAs) for specified early language intervention services for children who are deaf or hard of hearing (DHH), ages 0-5. This bill was held in the Assembly Appropriations Committee.

AB 947 (Quirk Silva), Chapter 778, Statutes of 2019, establishes an expanded core curriculum for students who are blind, have low vision, or are visually impaired and authorizes local educational agencies (LEAs) to consider the expanded core curriculum when developing students' individualized education programs.

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021, established the SEEIPG, to supplement existing special education resources currently required to be provided pursuant to federal and state law and promote a targeted focus on services and supports being offered in inclusive settings, to the extent practicable.

SB 210 (Galgiani), Chapter 652, Statutes of 2015, requires the CDE to develop a parent resource and select existing educator tools for measuring the language and literacy development of DHH children ages 0-5 years, and to report annually on the language and literacy outcomes of these children.

AB 455 (Medina) of the 2013-2014 Session would have required the SPI to develop standards in Braille and ASL that are aligned to the common core standards. This bill was held in the Senate Education Committee.

AB 2555 (Torrico), Chapter 245, Statutes of 2008, requires that notice of parent rights and procedural safeguards provided to parents or guardians of pupils with disabilities to include information regarding the state special schools for pupils who are DHH, blind, visually impaired, or deaf-blind.

AB 1836 (Eastin), Chapter 1126, Statutes of 1994, states Legislative intent that each DHH child should have a determination of the least restrictive environment that takes into consideration communication and other needs of the student and family.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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