

By the Committee on Education Pre-K - 12; and Senators Wise and Richter

581-02624-11

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1 A bill to be entitled

2 An act relating to auditory-oral education programs;
3 providing a short title; amending s. 1002.20, F.S.;
4 revising provisions relating to public school choice
5 options for parents of public school students to
6 include auditory-oral education programs; creating s.
7 1002.391, F.S.; providing definitions; providing that
8 a parent of a child who is deaf or hard of hearing may
9 enroll the child in an auditory-oral education program
10 at a school accredited by OPTION Schools, Inc., or at
11 a school in which the supervisor and the majority of
12 faculty are certified as Listening and Spoken Language
13 Specialists by the AG Bell Academy for Listening and
14 Spoken Language; providing that the child may continue
15 attending the school and complete the development of
16 listening and spoken language skills if specified
17 criteria are met; requiring that the level of services
18 be determined by the individual educational plan team
19 or individualized family support plan team; providing
20 that a child is no longer eligible under certain
21 circumstances; amending s. 1011.62, F.S.; revising
22 provisions relating to the funding model for
23 exceptional student education programs to require the
24 Department of Education to review and revise the
25 descriptions of services and supports in the matrix of
26 services used to determine exceptional education cost
27 factors; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act may be cited as the "Auditory Oral-
Education Act."

Section 2. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(6) EDUCATIONAL CHOICE.—

(a) *Public school choices.*—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, single-gender programs, lab schools, school district virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

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59 Section 3. Section 1002.391, Florida Statutes, is created
60 to read:

61 1002.391 Auditory-oral education programs.-

62 (1) As used in this section, the term:

63 (a) "Auditory-oral education program" means a program that
64 develops and relies solely on listening skills and uses an
65 implant or assistive hearing device for the purpose of relying
66 on speech and spoken language skills as the method of
67 communication.

68 (b) "Deaf or hard of hearing" means aided or unaided
69 hearing loss that impacts the processing of linguistic
70 information and adversely affects performance in the educational
71 environment. The degree of loss may range from mild to profound
72 in accordance with the criteria established by rule of the State
73 Board of Education.

74 (c) "School" means a public or private school located in
75 this state which meets the following requirements:

76 1. Is accredited by OPTION Schools, Inc., to teach children
77 who have obtained an implant or assistive hearing device; or

78 2. Has a supervisor and a majority of the faculty who
79 provide direct services to children and who are certified by the
80 AG Bell Academy for Listening and Spoken Language as Listening
81 and Spoken Language Specialists.

82 (2) (a) The parent of a child who meets the requirements in
83 paragraph (b) may enroll the child in an auditory-oral education
84 program at a school of choice under s. 1002.20.

85 (b) Any child who is deaf or hard of hearing and who
86 enrolls in an auditory-oral education program at a school, as
87 defined in this section, may continue attending the school and

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88 complete the development of listening and spoken language skills
89 at the school if the child:

90 1. Has received an implant or assistive hearing device;

91 2.a. Is between the ages of 3 and 7 years; or

92 b. Is between the ages of 2 and 7 years when the school
93 district elects to serve children with disabilities who are
94 under the age of 3 years; and

95 3. Is a resident of the state.

96 (3) The level of services shall be determined by the
97 individual educational plan team or individualized family
98 support plan team, which includes the child's parent in
99 accordance with the rules of the State Board of Education. A
100 child is eligible for services under this section until the end
101 of the school year in which he or she reaches the age of 7 years
102 or after grade 2, whichever comes first.

103 Section 4. Paragraph (e) of subsection (1) of section
104 1011.62, Florida Statutes, is amended to read:

105 1011.62 Funds for operation of schools.—If the annual
106 allocation from the Florida Education Finance Program to each
107 district for operation of schools is not determined in the
108 annual appropriations act or the substantive bill implementing
109 the annual appropriations act, it shall be determined as
110 follows:

111 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
112 OPERATION.—The following procedure shall be followed in
113 determining the annual allocation to each district for
114 operation:

115 (e) *Funding model for exceptional student education*
116 *programs.*—

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117 1.a. The funding model uses basic, at-risk, support levels
118 IV and V for exceptional students and career Florida Education
119 Finance Program cost factors, and a guaranteed allocation for
120 exceptional student education programs. Exceptional education
121 cost factors are determined by using a matrix of services to
122 document the services that each exceptional student will
123 receive. The nature and intensity of the services indicated on
124 the matrix shall be consistent with the services described in
125 each exceptional student's individual educational plan. The
126 Department of Education shall review and revise the descriptions
127 of the services and supports included in the matrix of services
128 for exceptional students and shall implement those revisions
129 before the beginning of the 2011-2012 school year.

130 b. In order to generate funds using one of the two weighted
131 cost factors, a matrix of services must be completed at the time
132 of the student's initial placement into an exceptional student
133 education program and at least once every 3 years by personnel
134 who have received approved training. Nothing listed in the
135 matrix shall be construed as limiting the services a school
136 district must provide in order to ensure that exceptional
137 students are provided a free, appropriate public education.

138 c. Students identified as exceptional, in accordance with
139 chapter 6A-6, Florida Administrative Code, who do not have a
140 matrix of services as specified in sub-subparagraph b. shall
141 generate funds on the basis of full-time-equivalent student
142 membership in the Florida Education Finance Program at the same
143 funding level per student as provided for basic students.
144 Additional funds for these exceptional students will be provided
145 through the guaranteed allocation designated in subparagraph 2.

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146 2. For students identified as exceptional who do not have a
147 matrix of services and students who are gifted in grades K
148 through 8, there is created a guaranteed allocation to provide
149 these students with a free appropriate public education, in
150 accordance with s. 1001.42(4)(m) and rules of the State Board of
151 Education, which shall be allocated annually to each school
152 district in the amount provided in the General Appropriations
153 Act. These funds shall be in addition to the funds appropriated
154 on the basis of FTE student membership in the Florida Education
155 Finance Program, and the amount allocated for each school
156 district shall not be recalculated during the year. These funds
157 shall be used to provide special education and related services
158 for exceptional students and students who are gifted in grades K
159 through 8. Beginning with the 2007-2008 fiscal year, a
160 district's expenditure of funds from the guaranteed allocation
161 for students in grades 9 through 12 who are gifted may not be
162 greater than the amount expended during the 2006-2007 fiscal
163 year for gifted students in grades 9 through 12.

164 Section 5. This act shall take effect July 1, 2011.