

By the Committees on Budget Subcommittee on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senators Wise and Richter

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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. 1002.66, F.S.; adding
22 Listening and Spoken Language specialists and an
23 appropriate acoustical environment to the list of
24 specialized instructional services from which a parent
25 with an eligible child may choose; amending s.
26 1003.01, F.S.; adding services provided by a certified
27 Listening and Spoken Language specialist to the
28 definition of the term "special education services";
29 amending s. 1011.62, F.S.; revising provisions

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30 relating to the funding model for exceptional student
31 education programs to require the Department of
32 Education to review and revise the descriptions of
33 services and supports in the matrix of services used
34 to determine exceptional education cost factors;
35 providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

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

41 Section 2. Paragraph (a) of subsection (6) of section
42 1002.20, Florida Statutes, is amended to read:

43 1002.20 K-12 student and parent rights.—Parents of public
44 school students must receive accurate and timely information
45 regarding their child's academic progress and must be informed
46 of ways they can help their child to succeed in school. K-12
47 students and their parents are afforded numerous statutory
48 rights including, but not limited to, the following:

49 (6) EDUCATIONAL CHOICE.—

50 (a) *Public school choices*.—Parents of public school
51 students may seek whatever public school choice options that are
52 applicable to their students and are available to students in
53 their school districts. These options may include controlled
54 open enrollment, single-gender programs, lab schools, school
55 district virtual instruction programs, charter schools, charter
56 technical career centers, magnet schools, alternative schools,
57 special programs, auditory-oral education programs, advanced
58 placement, dual enrollment, International Baccalaureate,

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59 International General Certificate of Secondary Education (pre-
60 AICE), Advanced International Certificate of Education, early
61 admissions, credit by examination or demonstration of
62 competency, the New World School of the Arts, the Florida School
63 for the Deaf and the Blind, and the Florida Virtual School.
64 These options may also include the public school choice options
65 of the Opportunity Scholarship Program and the McKay
66 Scholarships for Students with Disabilities Program.

67 Section 3. Section 1002.391, Florida Statutes, is created
68 to read:

69 1002.391 Auditory-oral education programs.-

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

71 (a) "Auditory-oral education program" means a program that
72 develops and relies solely on listening skills and uses an
73 implant or assistive hearing device for the purpose of relying
74 on speech and spoken language skills as the method of
75 communication.

76 (b) "Deaf or hard of hearing" means aided or unaided
77 hearing loss that impacts the processing of linguistic
78 information and adversely affects performance in the educational
79 environment. The degree of loss may range from mild to profound
80 in accordance with the criteria established by rule of the State
81 Board of Education.

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

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

86 2. Has a supervisor and a majority of the faculty who
87 provide direct services to children and who are certified by the

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88 AG Bell Academy for Listening and Spoken Language as Listening
89 and Spoken Language Specialists.

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

93 (b) Any child who is deaf or hard of hearing and who
94 enrolls in an auditory-oral education program at a school, as
95 defined in this section, may continue attending the school and
96 complete the development of listening and spoken language skills
97 at the school if the child:

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

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

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

103 3. Is a resident of the state.

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

111 Section 4. Paragraph (e) is added to subsection (2) of
112 section 1002.66, Florida Statutes, to read:

113 1002.66 Specialized instructional services for children
114 with disabilities.-

115 (2) The parent of a child who is eligible for the
116 prekindergarten program for children with disabilities may

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117 select one or more specialized instructional services that are
118 consistent with the child's individual educational plan. These
119 specialized instructional services may include, but are not
120 limited to:

121 (e) Listening and Spoken Language specialists and an
122 appropriate acoustical environment for any child who is deaf or
123 hard of hearing who has received an implant or assistive hearing
124 device.

125 Section 5. Paragraph (b) of subsection (3) of section
126 1003.01, Florida Statutes, is amended to read:

127 1003.01 Definitions.—As used in this chapter, the term:

128 (3)

129 (b) "Special education services" means specially designed
130 instruction and such related services as are necessary for an
131 exceptional student to benefit from education. Such services may
132 include: transportation; diagnostic and evaluation services;
133 social services; physical and occupational therapy; speech and
134 language pathology services; job placement; orientation and
135 mobility training; braillists, typists, and readers for the
136 blind; interpreters and auditory amplification; services
137 provided by a certified Listening and Spoken Language
138 specialist; rehabilitation counseling; transition services;
139 mental health services; guidance and career counseling;
140 specified materials, assistive technology devices, and other
141 specialized equipment; and other such services as approved by
142 rules of the state board.

143 Section 6. Paragraph (e) of subsection (1) of section
144 1011.62, Florida Statutes, is amended to read:

145 1011.62 Funds for operation of schools.—If the annual

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146 allocation from the Florida Education Finance Program to each
147 district for operation of schools is not determined in the
148 annual appropriations act or the substantive bill implementing
149 the annual appropriations act, it shall be determined as
150 follows:

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

155 (e) *Funding model for exceptional student education*
156 *programs.*—

157 1.a. The funding model uses basic, at-risk, support levels
158 IV and V for exceptional students and career Florida Education
159 Finance Program cost factors, and a guaranteed allocation for
160 exceptional student education programs. Exceptional education
161 cost factors are determined by using a matrix of services to
162 document the services that each exceptional student will
163 receive. The nature and intensity of the services indicated on
164 the matrix shall be consistent with the services described in
165 each exceptional student's individual educational plan. The
166 Department of Education shall review and revise the descriptions
167 of the services and supports included in the matrix of services
168 for exceptional students and shall implement those revisions
169 before the beginning of the 2011-2012 school year.

170 b. In order to generate funds using one of the two weighted
171 cost factors, a matrix of services must be completed at the time
172 of the student's initial placement into an exceptional student
173 education program and at least once every 3 years by personnel
174 who have received approved training. Nothing listed in the

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175 matrix shall be construed as limiting the services a school
176 district must provide in order to ensure that exceptional
177 students are provided a free, appropriate public education.

178 c. Students identified as exceptional, in accordance with
179 chapter 6A-6, Florida Administrative Code, who do not have a
180 matrix of services as specified in sub-subparagraph b. shall
181 generate funds on the basis of full-time-equivalent student
182 membership in the Florida Education Finance Program at the same
183 funding level per student as provided for basic students.
184 Additional funds for these exceptional students will be provided
185 through the guaranteed allocation designated in subparagraph 2.

186 2. For students identified as exceptional who do not have a
187 matrix of services and students who are gifted in grades K
188 through 8, there is created a guaranteed allocation to provide
189 these students with a free appropriate public education, in
190 accordance with s. 1001.42(4)(m) and rules of the State Board of
191 Education, which shall be allocated annually to each school
192 district in the amount provided in the General Appropriations
193 Act. These funds shall be in addition to the funds appropriated
194 on the basis of FTE student membership in the Florida Education
195 Finance Program, and the amount allocated for each school
196 district shall not be recalculated during the year. These funds
197 shall be used to provide special education and related services
198 for exceptional students and students who are gifted in grades K
199 through 8. Beginning with the 2007-2008 fiscal year, a
200 district's expenditure of funds from the guaranteed allocation
201 for students in grades 9 through 12 who are gifted may not be
202 greater than the amount expended during the 2006-2007 fiscal
203 year for gifted students in grades 9 through 12.

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Section 7. This act shall take effect July 1, 2011.