

By Senator Wise

5-00141G-11

20111254

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 a
8 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 Alexander Graham Bell Academy for
14 Listening and Spoken Language; providing that the
15 child may continue attending the school and complete
16 the development of listening and spoken language
17 skills if specified criteria are met; requiring that
18 the level of services be determined by the individual
19 educational plan team or individualized family support
20 plan team; providing that a child is no longer
21 eligible under certain circumstances; amending s.
22 1011.62, F.S.; revising provisions relating to the
23 funding model for exceptional student education
24 programs to require the Department of Education to
25 review and revise the descriptions of services and
26 supports in the matrix of services used to determine
27 exceptional education cost factors; providing an
28 effective date.
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5-00141G-11

20111254

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

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

34 Section 2. Paragraph (a) of subsection (6) of section
35 1002.20, Florida Statutes, is amended to read:

36 1002.20 K-12 student and parent rights.—Parents of public
37 school students must receive accurate and timely information
38 regarding their child's academic progress and must be informed
39 of ways they can help their child to succeed in school. K-12
40 students and their parents are afforded numerous statutory
41 rights including, but not limited to, the following:

42 (6) EDUCATIONAL CHOICE.—

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

5-00141G-11

20111254

59 Scholarships for Students with Disabilities Program.

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

62 1002.391 Auditory-oral education programs.-

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

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

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

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

77 1. Is accredited by OPTION Schools, Inc., to teach children
78 who have obtained an implant or assistive hearing device; or
79 2. Has a supervisor and a majority of the faculty who
80 provide direct services to children and who are certified by the
81 Alexander Graham Bell Academy for Listening and Spoken Language
82 as Listening and Spoken Language Specialists.

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

86 (b) Any child who is deaf or hard of hearing and who
87 enrolls in an auditory-oral education program at a school, as

5-00141G-11

20111254

88 defined in this section, may continue attending the school and
89 complete the development of listening and spoken language skills
90 at the school if the child:

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

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

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

96 3. Is a resident of the state.

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

104 Section 4. Paragraph (e) of subsection (1) of section
105 1011.62, Florida Statutes, is amended to read:

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

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

116 (e) *Funding model for exceptional student education*

5-00141G-11

20111254

117 *programs.*—

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

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

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

5-00141G-11

20111254

146 through the guaranteed allocation designated in subparagraph 2.

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

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