

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.