

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

602-04489-11

20111254c2

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

602-04489-11

20111254c2

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,

602-04489-11

20111254c2

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

602-04489-11

20111254c2

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

602-04489-11

20111254c2

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

602-04489-11

20111254c2

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

602-04489-11

20111254c2

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.

602-04489-11

20111254c2

204

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