

HB 937

2011

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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

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57 Scholarships for Students with Disabilities Program.

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

60 1002.391 Auditory-oral education programs.—

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

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

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

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

75 1. Is accredited by OPTION Schools, Inc., to teach
76 children who have obtained an implant or assistive hearing
77 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 Alexander Graham Bell Academy for Listening and Spoken Language
81 as Listening 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
 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 year 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

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113 determining the annual allocation to each district for
114 operation:

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

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
131 weighted cost factors, a matrix of services must be completed at
132 the time of the student's initial placement into an exceptional
133 student education program and at least once every 3 years by
134 personnel who have received approved training. Nothing listed in
135 the 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

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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.

146 2. For students identified as exceptional who do not have
147 a 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.