

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

---

BILL: SB 1126

INTRODUCER: Senators Detert and Richter

SUBJECT: Auditory-oral Education Programs

DATE: February 1, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	<b>Pre-meeting</b>
2.	_____	_____	AED	_____
3.	_____	_____	FP	_____

---

**I. Summary:**

SB 1126 provides additional supports and services through the auditory-oral education program for a child who is deaf or hard of hearing.

Specifically, the bill:

- Requires a school district to annually add seven special consideration points to the total score of all domains on the matrix of services for a child enrolled in an auditory-oral education program, who is deaf or hard of hearing; and
- Grants eligibility for an auditory-oral education grant if the child is enrolled in a school that solely offers auditory-oral education programs with a supervisor and faculty certified as listening and spoken language specialists, until the child is 7 years of age.

The bill takes effect on July 1, 2016.

**II. Present Situation:**

**Auditory-Oral Education Program**

As defined in statute, an auditory-oral program is a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication.<sup>1</sup>

As used in auditory-oral education programs, deaf or hard of hearing means aided or unaided hearing loss that affects the processing of linguistic information and adversely affects

---

<sup>1</sup> Section 1002.391(1)(a), F.S.

performance in the educational environment.<sup>2</sup> The State Board of Education has established in rule criteria to designate the degree of loss which may range from mild to profound.<sup>3</sup>

Auditory-oral education programs are located in public or private schools for children who have obtained an implant or assistive hearing device.<sup>4</sup> The faculty of the school are certified as listening and spoken language specialists.<sup>5</sup>

### **Matrix of Services**

The Matrix of Services is the document used to determine the cost factor for selected exceptional education students based on the decisions made by the Individual Education Plan team.<sup>6</sup> The matrix is designed with five levels in each of the five domain<sup>7</sup> areas.<sup>8</sup> A level IV indicates that for the majority of learning activities, the student receives specialized approaches, assistance equipment, or receives more extensive modifications to the learning environment.<sup>9</sup> A level V indicates that the student receives continuous and intense assistance, multiple services or substantial modifications for the majority of learning activities.<sup>10</sup>

Special consideration points are additional points for selected populations of students.<sup>11</sup> The applicable special consideration points are added together with the scores from each domain of the matrix to determine the level of support services.<sup>12</sup> The nature and intensity of the services indicated on the matrix are consistent with the services described in each exceptional student's Individual Education Plan (IEP).<sup>13</sup>

### **Funding for Exceptional Education Students**

The funding model for exceptional student education programs uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors,

<sup>2</sup> Section 1002.391(1)(b), F.S.

<sup>3</sup> Rule 6A-6.03013, F.A.C.

<sup>4</sup> Section 1002.391(1)(c), F.S.

<sup>5</sup> A Listening and Spoken Language Specialist is a person who has been awarded professional certification through the Alexander Graham Bell Association. Florida Department of Education, *BEES Discretionary Projects* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

<sup>6</sup> Section 1011.62(1)(c), F.S. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional education students with the highest levels of need.

<sup>7</sup> The matrix of services includes five domains that are intended to cover the special services and supports provided in an educational setting. The domain areas are: curriculum and learning environment, social or emotional behavior, independent functioning, health care, and communication. Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

<sup>8</sup> Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

<sup>9</sup> *Id.* A level I indicates that the student requires no services or assistance beyond those that are normally available to all students. A level II indicates the student is receiving assistance on a periodic basis or receives minor supports, assistance, or services. A level III indicates the student is receiving accommodations to the learning environment that are more complex or is receiving services on a more frequent schedule.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 1011.62(1)(e), F.S.

and a guaranteed allocation.<sup>14</sup> For exceptional education students, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every three years in order to generate weighted funding.<sup>15</sup> The matrix of services is used to determine the cost factor for selected exceptional education students based on the decisions made by the IEP team.<sup>16</sup>

### **Auditory-Oral Education Grants**

In the 2015 General Appropriations Act, the Auditory-Oral Education Grant received \$550,000 in funding.<sup>17</sup> Funds for the Auditory-Oral Education Grant were awarded to Florida public or private nonprofit school programs serving deaf children in multiple counties, from birth to age seven, including rural and underserved areas.<sup>18</sup> These schools are required to solely offer auditory-oral education programs and to have a supervisor and faculty members who are credentialed as Certified Listening and Spoken Language Specialists.<sup>19</sup>

The amount of the grants were based on the specific needs of each eligible student. Each eligible school that has insufficient public funds to provide the educational and related services specified in the Individual Education Plan (IEP) or Individual Family Service Plan (IFSP) of eligible students aged birth to seven years were allowed to submit grant applications to the Department of Education. Applications included an itemized list of total costs, the amount of public funds available for those students without the grant, and the additional amount needed for the services identified in each students' respective IEP or IFSP. The Clarke School for the Deaf and the Debbie School, a division of the Mailman Center for Child Development, received Auditory-Oral Education Grants in 2015.<sup>20</sup>

### **III. Effect of Proposed Changes:**

SB 1126 provides additional supports and services through auditory-oral education programs for a child who is deaf or hard of hearing.

The bill revises the matrix of services calculation for students enrolled in an eligible auditory-oral education program by requiring the school district to annually add 7 special consideration points to the total score of all domains on the matrix, beginning in the 2016-2017 fiscal year. The revised matrix calculation will generate additional Florida Education Finance Program funds to support students in auditory-oral education programs.

In addition, the bill allows a child to be eligible for an auditory-oral education grant if the child is enrolled in a program that serves multiple counties, including rural and underserved areas. The school must offer solely auditory-oral education programs with a supervisor and faculty certified

---

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Florida Department of Education, *Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

<sup>17</sup> Section 2, ch. 2015-232, L.O.F.

<sup>18</sup> *Id.*

<sup>19</sup> Section 1002.391, F.S.

<sup>20</sup> Florida Department of Education, Bureau of Exceptional Education and Student Services (BEES), *BEES Discretionary Projects* (2015), available at <http://www.fldoe.org/core/fileparse.php/7567/urlt/projectslisting.pdf>.

as listening and spoken language specialists, until the child is 7 years of age. In effect, the bill codifies the requirements for the Auditory-Oral Education Grant funding as specified in proviso language in the 2015-2016 General Appropriations Act. However, an appropriation for the grant is not provided in the bill.

The bill takes effect on July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.391 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---