

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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**BILL:** CS/SB 1126

**INTRODUCER:** Education Pre-K - 12 Committee and Senator Detert and others

**SUBJECT:** Auditory-oral Education Programs

**DATE:** February 10, 2016

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

|    | ANALYST       | STAFF DIRECTOR  | REFERENCE  | ACTION             |
|----|---------------|-----------------|------------|--------------------|
| 1. | <u>Bailey</u> | <u>Klebacha</u> | <u>ED</u>  | <u>Fav/CS</u>      |
| 2. | <u>Sikes</u>  | <u>Elwell</u>   | <u>AED</u> | <u>Pre-meeting</u> |
| 3. | _____         | _____           | <u>FP</u>  | _____              |

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1126 requires a school district to annually add four special consideration points to the total score of all domains on the matrix of services for a child who is deaf and enrolled in an auditory-oral education program to provide additional supports and services.

This bill has no fiscal impact in the 2016-2017 fiscal year since the requirements of the bill are not effective until the 2017-2018 fiscal year. Under this bill, there are approximately 75 full-time equivalent (FTE) students who are deaf and enrolled in an auditory-oral education program who will generate approximately \$4,000 per FTE in additional funding through the Florida Education Finance Program (FEFP). The total impact on the FEFP in the 2017-2018 fiscal year is estimated at \$300,000.

The bill takes effect on July 1, 2016.

**II. Present Situation:**

**Auditory-Oral Education Program**

As defined in statute, an auditory-oral education 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>

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

As related to 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 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 Florida Department of Education (DOE) developed the Matrix of Services Handbook to provide districts, schools and teachers with information about the matrix of services required for selected students with exceptionalities.<sup>6</sup> The matrix is designed with five levels in each of the following five domain areas:<sup>7</sup>

- **Curriculum and Learning Environment:** This domain addresses services provided to the student in the areas of curriculum, instructional strategies and learning environment.
- **Social or Emotional Behavior:** This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization and counseling as a related service.
- **Independent Functioning:** This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training and supervision of students to ensure physical safety
- **Health Care:** This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services and interagency collaboration.
- **Communication:** This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires. Level 1 represents the lowest level of service and Level 5 represents

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

<sup>7</sup>*Id.*

the highest level of service.<sup>8</sup> The frequency and intensity of the service and the qualifications of personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.<sup>9</sup>

Special consideration points are additional points for selected populations of students.<sup>10</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>11</sup> For example, three special consideration points are added to the matrix for students identified as visually impaired or dual-sensory impaired. The additional special consideration points can result in a student being classified for a higher level of service.

### **Funding for Exceptional Student Education**

ESE services for students whose level of service is Levels 1 through 3 are funded through the ESE Guaranteed Allocation, which was established to provide funding through the FEFP in addition to the basic program funding.<sup>12</sup> These students generate full-time equivalent (FTE) funding using the appropriate basic program cost factor for their grade level.<sup>13</sup> Students whose level of service is Level 4 or 5 do not receive Florida Education Finance Program (FEFP) funds from the ESE Guaranteed Allocation, but instead generate weighted funding using a higher program cost factor which provides for both their education program and their exceptional services.<sup>14</sup>

In the 2015-2016 fiscal year, Level 1 through 3 students were funded through the FEFP at an average of \$11,054 per FTE.<sup>15</sup> Level 4 and 5 students were funded at an average of \$15,010 and \$21,844 per FTE respectively.<sup>16</sup>

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

CS/SB 1126 revises the matrix of services calculation for students who are deaf and enrolled in an eligible auditory-oral education program.

The bill requires the school district to annually add four special consideration points to the total score of all domains on the matrix, beginning in the 2017-2018 fiscal year. The revised matrix

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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

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

<sup>12</sup> Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

<sup>13</sup> The basic program cost factors are as follows:

- For grades K-3, the cost factor is 1.115
- For grades 4-8, the cost factor is 1.000
- For grades 9-12, the cost factor is 1.005

<sup>14</sup> The 2015-2016 Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

<sup>15</sup> For the 2015-2016 fiscal year, the average ESE Guaranteed Allocation funding per FTE is \$2,007. Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at [http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP\\_Conference\\_Report.pdf](http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf)

<sup>16</sup> The 2015-2016, the Base Student Allocation is \$4,154.45. The Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

calculation will result in students who are deaf and enrolled in an auditory-oral education program generating additional Florida Education Finance Program (FEFP) funds. Most eligible students will move from Level 3 to Level 4, and therefore, generate \$4,000 in additional funding through the FEFP.

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:

This bill has no fiscal impact in the 2016-2017 fiscal year since the requirements of the bill are not effective until the 2017-2018 fiscal year. Under this bill, there are approximately 75 full-time equivalent (FTE) students who are deaf and enrolled in an auditory-oral education program who will generate approximately \$4,000 per FTE in additional funding through the Florida Education Finance Program (FEFP). The total impact on the FEFP in the 2017-2018 fiscal year is estimated at \$300,000.

**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 Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on February 2, 2016:**

The committee substitute modifies the bill as follows:

- Decreased the number of special consideration points a school district must add to the calculation of a matrix of services for a student from seven to four points; and
- Removed provisions related to auditory-oral education grants.

- B. **Amendments:**

None.