

By Senator Wise

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1                   A bill to be entitled  
2           An act relating to gifted and academically talented  
3           student education; creating s. 1003.572, F.S.;  
4           requiring district school boards to provide parental  
5           notice of requirements and procedures for requesting  
6           evaluations for gifted student classification;  
7           requiring district school board reporting of gifted  
8           student classification, services, and performance  
9           data; requiring the Department of Education to develop  
10          data elements for district reporting; requiring  
11          rulemaking; creating s. 1003.573, F.S.; requiring the  
12          department to develop procedures and eligibility  
13          criteria for whole-grade and subject matter  
14          acceleration; requiring district school boards to  
15          implement procedures and eligibility criteria;  
16          requiring district school board reporting of student  
17          acceleration data; requiring the department to develop  
18          data elements for district reporting; requiring  
19          rulemaking; amending s. 1004.04, F.S.; requiring  
20          state-approved teacher preparation programs to  
21          incorporate specified gifted student instruction;  
22          amending s. 1011.62, F.S.; requiring certain school  
23          district guaranteed allocation expenditures to be  
24          reported separately; creating the Gifted and  
25          Academically Talented Student Task Force within the  
26          department; designating members; providing for per  
27          diem and travel expenses; requiring the task force to  
28          submit a report to the Governor and Legislature;  
29          providing report requirements; providing for the

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30 future abolishment of the task force; providing  
31 effective dates.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Section 1003.572, Florida Statutes, is created  
36 to read:

37 1003.572 Gifted student education.—

38 (1) For students in grades K through 12, each district  
39 school board shall annually:

40 (a) Provide written notice to each student's parent of the  
41 eligibility criteria for gifted student classification and the  
42 procedures for requesting an evaluation of a student to  
43 determine his or her eligibility for such classification.

44 (b) Report to the department by school and grade level:

45 1. The number of students classified as gifted. Such  
46 reporting shall separately identify the number of students  
47 classified as gifted under generally applicable criteria set  
48 forth in State Board of Education rule and under a department-  
49 approved school district plan for increasing the participation  
50 of underrepresented groups.

51 2. The types of gifted student education services that it  
52 provides and the number of students receiving each service. Such  
53 reporting shall:

54 a. Separately identify gifted student education services  
55 that provide: direct instruction to a class consisting only of  
56 gifted students; differentiated instruction for gifted students  
57 within a class that also includes students who are not gifted;  
58 and noninstructional consultation services.

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59       b. Indicate the number of hours per week that each service  
60 identified under sub-subparagraph a. is provided to each gifted  
61 student and whether the service is provided by a teacher who has  
62 received the gifted endorsement under State Board of Education  
63 rule.

64       3. Performance data for students receiving gifted student  
65 education services.

66  
67 When reporting the number of students under this paragraph,  
68 district school boards shall classify students according to  
69 race, ethnicity, limited English proficient status, and free or  
70 reduced-price lunch eligibility status under the National School  
71 Lunch Act.

72       (2) The department shall develop data elements to  
73 facilitate district school board reporting under paragraph  
74 (1) (b).

75       (3) The State Board of Education shall adopt rules pursuant  
76 to ss. 120.536(1) and 120.54 to implement this section.

77       Section 2. Section 1003.573, Florida Statutes, is created  
78 to read:

79       1003.573 Whole-grade and subject matter acceleration.-

80       (1) For students in grades K through 12, the department  
81 shall develop, and district school boards shall implement,  
82 statewide policies that set forth procedures and eligibility  
83 criteria for whole-grade and subject matter acceleration.

84       (2) Each district school board shall report annually to the  
85 department by school and grade level: the number of, and  
86 performance data for, students who were accelerated one or more  
87 whole grades; the types of subject matter acceleration programs

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88 offered; and the number of, and performance data for, students  
89 who participated in subject matter acceleration programs. When  
90 reporting the number of students, district school boards shall  
91 classify students according to race, ethnicity, limited English  
92 proficient status, and free or reduced-price lunch eligibility  
93 status under the National School Lunch Act.

94 (3) The department shall develop data elements to  
95 facilitate district school board reporting under subsection (2).

96 (4) The State Board of Education shall adopt rules pursuant  
97 to ss. 120.536(1) and 120.54 to implement this section.

98 Section 3. Paragraph (c) of subsection (3) of section  
99 1004.04, Florida Statutes, is amended to read:

100 1004.04 Public accountability and state approval for  
101 teacher preparation programs.—

102 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system  
103 developed by the Department of Education in collaboration with  
104 postsecondary educational institutions shall assist departments  
105 and colleges of education in the restructuring of their programs  
106 in accordance with this section to meet the need for producing  
107 quality teachers now and in the future.

108 (c) State-approved teacher preparation programs must  
109 incorporate:

110 1. Appropriate English for Speakers of Other Languages  
111 instruction so that program graduates will have completed the  
112 requirements for teaching limited English proficient students in  
113 Florida public schools.

114 2. Scientifically researched, knowledge-based reading  
115 literacy and computational skills instruction so that program  
116 graduates will be able to provide the necessary academic

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117 foundations for their students at whatever grade levels they  
118 choose to teach.

119 3. Gifted student instruction so that program graduates  
120 will:

121 a. Be able to recognize the characteristics of gifted  
122 students.

123 b. Have knowledge of the eligibility criteria for gifted  
124 student classification and the procedures for referring a  
125 student for an evaluation to determine his or her eligibility  
126 for such classification.

127 c. Have knowledge of how to differentiate the general  
128 education curriculum for gifted students.

129 Section 4. Paragraph (e) of subsection (1) of section  
130 1011.62, Florida Statutes, is amended to read:

131 1011.62 Funds for operation of schools.—If the annual  
132 allocation from the Florida Education Finance Program to each  
133 district for operation of schools is not determined in the  
134 annual appropriations act or the substantive bill implementing  
135 the annual appropriations act, it shall be determined as  
136 follows:

137 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
138 OPERATION.—The following procedure shall be followed in  
139 determining the annual allocation to each district for  
140 operation:

141 (e) *Funding model for exceptional student education*  
142 *programs.—*

143 1.a. The funding model uses basic, at-risk, support levels  
144 IV and V for exceptional students and career Florida Education  
145 Finance Program cost factors, and a guaranteed allocation for

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146 exceptional student education programs. Exceptional education  
147 cost factors are determined by using a matrix of services to  
148 document the services that each exceptional student will  
149 receive. The nature and intensity of the services indicated on  
150 the matrix shall be consistent with the services described in  
151 each exceptional student's individual educational plan.

152 b. In order to generate funds using one of the two weighted  
153 cost factors, a matrix of services must be completed at the time  
154 of the student's initial placement into an exceptional student  
155 education program and at least once every 3 years by personnel  
156 who have received approved training. Nothing listed in the  
157 matrix shall be construed as limiting the services a school  
158 district must provide in order to ensure that exceptional  
159 students are provided a free, appropriate public education.

160 c. Students identified as exceptional, in accordance with  
161 chapter 6A-6, Florida Administrative Code, who do not have a  
162 matrix of services as specified in sub-subparagraph b. shall  
163 generate funds on the basis of full-time-equivalent student  
164 membership in the Florida Education Finance Program at the same  
165 funding level per student as provided for basic students.  
166 Additional funds for these exceptional students will be provided  
167 through the guaranteed allocation designated in subparagraph 2.

168 2. For students identified as exceptional who do not have a  
169 matrix of services and students who are gifted in grades K  
170 through 8, there is created a guaranteed allocation to provide  
171 these students with a free appropriate public education, in  
172 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board  
173 of Education, which shall be allocated annually to each school  
174 district in the amount provided in the General Appropriations

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175 Act. These funds shall be in addition to the funds appropriated  
176 on the basis of FTE student membership in the Florida Education  
177 Finance Program, and the amount allocated for each school  
178 district shall not be recalculated during the year. These funds  
179 shall be used to provide special education and related services  
180 for exceptional students and students who are gifted in grades K  
181 through 8. Beginning with the 2007-2008 fiscal year, a  
182 district's expenditure of funds from the guaranteed allocation  
183 for students in grades 9 through 12 who are gifted may not be  
184 greater than the amount expended during the 2006-2007 fiscal  
185 year for gifted students in grades 9 through 12. Each district  
186 school board in its annual financial report to the department  
187 shall separately identify the following amounts expended from  
188 the guaranteed allocation:

189 a. The amount expended for students identified as  
190 exceptional who do not have a matrix of services.

191 b. The amount expended for gifted students in grades K  
192 through 12 according to grade level.

193 Section 5. Gifted and Academically Talented Student Task  
194 Force.-

195 (1) There is created the Gifted and Academically Talented  
196 Student Task Force. The task force is composed of the following  
197 seven members:

198 (a) The chair of the State Board of Education or his or her  
199 designee, who shall serve as chair.

200 (b) The Commissioner of Education or his or her designee,  
201 who shall serve as vice chair.

202 (c) Four members who collectively have experience in gifted  
203 and academically talented student screening, identification, and

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204 education, one of whom shall be appointed by the Governor, one  
205 of whom shall be appointed by the President of the Senate, one  
206 of whom shall be appointed by the Speaker of the House of  
207 Representatives, and one of whom shall be appointed by the chair  
208 of the State Board of Education.

209 (d) One member who represents an advocacy group for parents  
210 of gifted children who shall be appointed by the Governor.

211 (2) The members of the task force shall be appointed by  
212 October 1, 2009, and shall convene the initial meeting of the  
213 task force by November 1, 2009.

214 (3) The task force is assigned to the Department of  
215 Education for administrative purposes. Members of the task force  
216 are not entitled to compensation but are entitled to per diem  
217 and travel expenses under s. 112.061, Florida Statutes. Members  
218 of the task force are subject to the Code of Ethics for Public  
219 Officers and Employees under part III of chapter 112, Florida  
220 Statutes.

221 (4) By February 1, 2010, the task force shall submit a  
222 report to the Governor, the President of the Senate, and the  
223 Speaker of the House of Representatives that includes, but is  
224 not limited to, recommendations, based upon peer-reviewed  
225 research and the members' collective expertise, for the  
226 following:

227 (a) Revisions to statute and rule governing eligibility  
228 criteria for gifted student classification generally and in  
229 underrepresented groups.

230 (b) Eligibility criteria for academically talented student  
231 classification. Such criteria shall identify students who are  
232 not classified as gifted but who possess high achievement



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233 capability in one or more academic subject areas and who would  
234 benefit from participation in accelerated or differentiated  
235 curricula learning opportunities.

236 (c) Annual screening procedures for the determination of  
237 students who should be further evaluated for identification as  
238 gifted or academically talented students. These procedures, at a  
239 minimum, shall identify:

240 1. The most appropriate grade or grades within each of the  
241 elementary, middle, and high school levels to administer such  
242 screenings for all students.

243 2. One or more recommended screening instruments.

244 (d) Model gifted and academically talented student  
245 education programs. The programs must include, but are not  
246 limited to:

247 1. Classroom-based, school-based, and district-based  
248 implementation options.

249 2. Subject matter acceleration opportunities,  
250 differentiated curricula that address the exceptional learning  
251 needs of gifted and academically talented students, and  
252 enrichment activities that extend learning opportunities  
253 available in the classroom.

254 (e) Procedures for annually evaluating the effectiveness of  
255 model gifted and academically talented student education  
256 programs.

257 (f) Procedures for evaluating students participating in  
258 gifted or academically talented student education programs to  
259 determine student performance and whether the students are  
260 benefiting from, and continue to be eligible to participate in,  
261 the programs.

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262       (5) Upon delivery of its final report and recommendations,  
263 the task force is abolished.

264       (6) This section shall take effect upon this act becoming a  
265 law.

266       Section 6. Except as otherwise expressly provided in this  
267 act and except for this section, which shall take effect upon  
268 becoming a law, this act shall take effect July 1, 2010.