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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/29/2009 10:30 AM

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Senator Wise moved the following:

Senate Amendment (with title amendment)

Between lines 296 and 297

insert:

Section 8. Section 1003.572, Florida Statutes, is created
to read:

1003.572 Gifted student education.—

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

(a) Provide written notice to each student's parent of the
eligibility criteria for gifted student classification and the
procedures for requesting an evaluation of a student to



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13 determine his or her eligibility for such classification.

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

15 1. The number of students classified as gifted. Such
16 reporting shall separately identify the number of students
17 classified as gifted under generally applicable criteria set
18 forth in State Board of Education rule and under a department-
19 approved school district plan for increasing the participation
20 of underrepresented groups.

21 2. The types of gifted student education services that it
22 provides and the number of students receiving each service. Such
23 reporting shall:

24 a. Separately identify gifted student education services
25 that provide: direct instruction to a class consisting only of
26 gifted students; differentiated instruction for gifted students
27 within a class that also includes students who are not gifted;
28 and noninstructional consultation services.

29 b. Indicate the number of hours per week that each service
30 identified under sub-subparagraph a. is provided to each gifted
31 student and whether the service is provided by a teacher who has
32 received the gifted endorsement under State Board of Education
33 rule.

34 3. Performance data for students receiving gifted student
35 education services.

36
37 When reporting the number of students under this paragraph,
38 district school boards shall classify students according to
39 race, ethnicity, limited English proficient status, and free or
40 reduced-price lunch eligibility status under the National School
41 Lunch Act.



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42 (2) The department shall develop data elements to
43 facilitate district school board reporting under paragraph
44 (1) (b).

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

47 Section 9. Section 1003.573, Florida Statutes, is created
48 to read:

49 1003.573 Whole-grade and subject matter acceleration.—

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

54 (2) Each district school board shall report annually to the
55 department by school and grade level: the number of, and
56 performance data for, students who were accelerated one or more
57 whole grades; the types of subject matter acceleration programs
58 offered; and the number of, and performance data for, students
59 who participated in subject matter acceleration programs. When
60 reporting the number of students, district school boards shall
61 classify students according to race, ethnicity, limited English
62 proficient status, and free or reduced-price lunch eligibility
63 status under the National School Lunch Act.

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

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

68 Section 10. Paragraph (c) of subsection (3) of section
69 1004.04, Florida Statutes, is amended to read:

70 1004.04 Public accountability and state approval for



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71 teacher preparation programs.—

72 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system
73 developed by the Department of Education in collaboration with
74 postsecondary educational institutions shall assist departments
75 and colleges of education in the restructuring of their programs
76 in accordance with this section to meet the need for producing
77 quality teachers now and in the future.

78 (c) State-approved teacher preparation programs must
79 incorporate:

80 1. Appropriate English for Speakers of Other Languages
81 instruction so that program graduates will have completed the
82 requirements for teaching limited English proficient students in
83 Florida public schools.

84 2. Scientifically researched, knowledge-based reading
85 literacy and computational skills instruction so that program
86 graduates will be able to provide the necessary academic
87 foundations for their students at whatever grade levels they
88 choose to teach.

89 3. Gifted student instruction so that program graduates
90 will:

91 a. Be able to recognize the characteristics of gifted
92 students.

93 b. Have knowledge of the eligibility criteria for gifted
94 student classification and the procedures for referring a
95 student for an evaluation to determine his or her eligibility
96 for such classification.

97 c. Have knowledge of how to differentiate the general
98 education curriculum for gifted students.

99 Section 11. Paragraph (e) of subsection (1) of section



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100 1011.62, Florida Statutes, is amended to read:

101 1011.62 Funds for operation of schools.—If the annual
102 allocation from the Florida Education Finance Program to each
103 district for operation of schools is not determined in the
104 annual appropriations act or the substantive bill implementing
105 the annual appropriations act, it shall be determined as
106 follows:

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

111 (e) *Funding model for exceptional student education*
112 *programs.*—

113 1.a. The funding model uses basic, at-risk, support levels
114 IV and V for exceptional students and career Florida Education
115 Finance Program cost factors, and a guaranteed allocation for
116 exceptional student education programs. Exceptional education
117 cost factors are determined by using a matrix of services to
118 document the services that each exceptional student will
119 receive. The nature and intensity of the services indicated on
120 the matrix shall be consistent with the services described in
121 each exceptional student's individual educational plan.

122 b. In order to generate funds using one of the two weighted
123 cost factors, a matrix of services must be completed at the time
124 of the student's initial placement into an exceptional student
125 education program and at least once every 3 years by personnel
126 who have received approved training. Nothing listed in the
127 matrix shall be construed as limiting the services a school
128 district must provide in order to ensure that exceptional



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129 students are provided a free, appropriate public education.

130 c. Students identified as exceptional, in accordance with
131 chapter 6A-6, Florida Administrative Code, who do not have a
132 matrix of services as specified in sub-subparagraph b. shall
133 generate funds on the basis of full-time-equivalent student
134 membership in the Florida Education Finance Program at the same
135 funding level per student as provided for basic students.
136 Additional funds for these exceptional students will be provided
137 through the guaranteed allocation designated in subparagraph 2.

138 2. For students identified as exceptional who do not have a
139 matrix of services and students who are gifted in grades K
140 through 8, there is created a guaranteed allocation to provide
141 these students with a free appropriate public education, in
142 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board
143 of Education, which shall be allocated annually to each school
144 district in the amount provided in the General Appropriations
145 Act. These funds shall be in addition to the funds appropriated
146 on the basis of FTE student membership in the Florida Education
147 Finance Program, and the amount allocated for each school
148 district shall not be recalculated during the year. These funds
149 shall be used to provide special education and related services
150 for exceptional students and students who are gifted in grades K
151 through 8. Beginning with the 2007-2008 fiscal year, a
152 district's expenditure of funds from the guaranteed allocation
153 for students in grades 9 through 12 who are gifted may not be
154 greater than the amount expended during the 2006-2007 fiscal
155 year for gifted students in grades 9 through 12. Each district
156 school board in its annual financial report to the department
157 shall separately identify the following amounts expended from



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158 the guaranteed allocation:

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

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

163 Section 12. Gifted and Academically Talented Student Task
164 Force.-

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

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

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

172 (c) Four members who collectively have experience in gifted
173 and academically talented student screening, identification, and
174 education, one of whom shall be appointed by the Governor, one
175 of whom shall be appointed by the President of the Senate, one
176 of whom shall be appointed by the Speaker of the House of
177 Representatives, and one of whom shall be appointed by the chair
178 of the State Board of Education.

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

181 (2) The members of the task force shall be appointed by
182 October 1, 2009, and shall convene the initial meeting of the
183 task force by November 1, 2009.

184 (3) The task force is assigned to the Department of
185 Education for administrative purposes. Members of the task force
186 shall serve without compensation and are not entitled to receive



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187 reimbursement for per diem and travel expenses under s. 112.061.
188 Meetings may be held via teleconference or other electronic
189 means. Members of the task force are subject to the Code of
190 Ethics for Public Officers and Employees under part III of
191 chapter 112, Florida Statutes.

192 (4) By February 1, 2010, the task force shall submit a
193 report to the Governor, the President of the Senate, and the
194 Speaker of the House of Representatives that includes, but is
195 not limited to, recommendations, based upon peer-reviewed
196 research and the members' collective expertise, for the
197 following:

198 (a) Revisions to statute and rule governing eligibility
199 criteria for gifted student classification generally and in
200 underrepresented groups.

201 (b) Eligibility criteria for academically talented student
202 classification. Such criteria shall identify students who are
203 not classified as gifted but who possess high achievement
204 capability in one or more academic subject areas and who would
205 benefit from participation in accelerated or differentiated
206 curricula learning opportunities.

207 (c) Annual screening procedures for the determination of
208 students who should be further evaluated for identification as
209 gifted or academically talented students. These procedures, at a
210 minimum, shall identify:

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

214 2. One or more recommended screening instruments.

215 (d) Model gifted and academically talented student



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216 education programs. The programs must include, but are not
217 limited to:

218 1. Classroom-based, school-based, and district-based
219 implementation options.

220 2. Subject matter acceleration opportunities,
221 differentiated curricula that address the exceptional learning
222 needs of gifted and academically talented students, and
223 enrichment activities that extend learning opportunities
224 available in the classroom.

225 (e) Procedures for annually evaluating the effectiveness of
226 model gifted and academically talented student education
227 programs.

228 (f) Procedures for evaluating students participating in
229 gifted or academically talented student education programs to
230 determine student performance and whether the students are
231 benefiting from, and continue to be eligible to participate in,
232 the programs.

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

235 (6) This section shall take effect upon this act becoming a
236 law.

237
238 ===== T I T L E A M E N D M E N T =====

239 And the title is amended as follows:

240 Delete line 35

241 and insert:

242 the Florida School Recognition Program; creating s.
243 1003.572, F.S.; requiring district school boards to
244 provide parental notice of requirements and procedures



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245 for requesting evaluations for gifted student
246 classification; requiring district school board
247 reporting of gifted student classification, services,
248 and performance data; requiring the Department of
249 Education to develop data elements for district
250 reporting; requiring rulemaking; creating s. 1003.573,
251 F.S.; requiring the department to develop procedures
252 and eligibility criteria for whole-grade and subject
253 matter acceleration; requiring district school boards
254 to implement procedures and eligibility criteria;
255 requiring district school board reporting of student
256 acceleration data; requiring the department to develop
257 data elements for district reporting; requiring
258 rulemaking; amending s. 1004.04, F.S.; requiring
259 state-approved teacher preparation programs to
260 incorporate specified gifted student instruction;
261 amending s. 1011.62, F.S.; requiring certain school
262 district guaranteed allocation expenditures to be
263 reported separately; creating the Gifted and
264 Academically Talented Student Task Force within the
265 department; designating members; requiring members to
266 serve without compensation or reimbursement for per
267 diem and travel expenses; requiring the task force to
268 submit a report to the Governor and Legislature;
269 providing report requirements; providing for the
270 future abolishment of the task force; providing an