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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/29/2009 10:28 AM

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Senator Wise moved the following:

1           **Senate Amendment to Amendment (413008) (with title**  
2 **amendment)**

3  
4           Between lines 263 and 264  
5 insert:

6           Section 9. Section 1003.572, Florida Statutes, is created  
7 to read:

8           1003.572 Gifted student education.-

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

11           (a) Provide written notice to each student's parent of the  
12 eligibility criteria for gifted student classification and the



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13 procedures for requesting an evaluation of a student to  
14 determine his or her eligibility for such classification.

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

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

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

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

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

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

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



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42 Lunch Act.

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

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

48 Section 10. Section 1003.573, Florida Statutes, is created  
49 to read:

50 1003.573 Whole-grade and subject matter acceleration.—

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

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

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

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

69 Section 11. Paragraph (c) of subsection (3) of section  
70 1004.04, Florida Statutes, is amended to read:



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71 1004.04 Public accountability and state approval for  
72 teacher preparation programs.—

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

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

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

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

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

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

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

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



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100 Section 12. Paragraph (e) of subsection (1) of section  
101 1011.62, Florida Statutes, is amended to read:

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

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

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

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

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



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129 district must provide in order to ensure that exceptional  
130 students are provided a free, appropriate public education.

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

137 Additional funds for these exceptional students will be provided  
138 through the guaranteed allocation designated in subparagraph 2.

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



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158 shall separately identify the following amounts expended from  
159 the guaranteed allocation:

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

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

164 Section 13. Gifted and Academically Talented Student Task  
165 Force.—

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

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

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

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

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

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

185 (3) The task force is assigned to the Department of  
186 Education for administrative purposes. Members of the task force



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187 shall serve without compensation and are not entitled to receive  
188 reimbursement for per diem and travel expenses under s. 112.061.  
189 Meetings may be held via teleconference or other electronic  
190 means. Members of the task force are subject to the Code of  
191 Ethics for Public Officers and Employees under part III of  
192 chapter 112, Florida Statutes.

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

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

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

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

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

215 2. One or more recommended screening instruments.





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216 (d) Model gifted and academically talented student  
217 education programs. The programs must include, but are not  
218 limited to:

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

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

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

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

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

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

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

240 And the title is amended as follows:

241 Delete line 307

242 and insert:

243 creating s. 1003.572, F.S.; requiring district school  
244 boards to provide parental notice of requirements and



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245 procedures for requesting evaluations for gifted  
246 student classification; requiring district school  
247 board reporting of gifted student classification,  
248 services, and performance data; requiring the  
249 Department of Education to develop data elements for  
250 district reporting; requiring rulemaking; creating s.  
251 1003.573, F.S.; requiring the department to develop  
252 procedures and eligibility criteria for whole-grade  
253 and subject matter acceleration; requiring district  
254 school boards to implement procedures and eligibility  
255 criteria; requiring district school board reporting of  
256 student acceleration data; requiring the department to  
257 develop data elements for district reporting;  
258 requiring rulemaking; amending s. 1004.04, F.S.;

259 requiring state-approved teacher preparation programs  
260 to 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  
271 effective date.