

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

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

Section 1. 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 determine his or her eligibility for such classification.

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

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

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

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

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

61 3. Performance data for students receiving gifted student
62 education services.

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

69 (2) The department shall develop data elements to
70 facilitate district school board reporting under paragraph
71 (1) (b).

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

74 Section 2. Section 1003.573, Florida Statutes, is created
75 to read:

76 1003.573 Whole-grade and subject matter acceleration.--

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

81 (2) Each district school board shall report annually to
82 the department by school and grade level: the number of, and
83 performance data for, students who were accelerated one or more

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

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

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

95 Section 3. Paragraph (c) of subsection (3) of section
 96 1004.04, Florida Statutes, is amended to read:

97 1004.04 Public accountability and state approval for
 98 teacher preparation programs.--

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

105 (c) State-approved teacher preparation programs must
 106 incorporate:

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

111 2. Scientifically researched, knowledge-based reading

112 literacy and computational skills instruction so that program
 113 graduates will be able to provide the necessary academic
 114 foundations for their students at whatever grade levels they
 115 choose to teach.

116 3. Gifted student instruction so that program graduates
 117 will:

118 a. Be able to recognize the characteristics of gifted
 119 students.

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

124 c. Have knowledge of how to differentiate the general
 125 education curriculum for gifted students.

126 Section 4. Paragraph (e) of subsection (1) of section
 127 1011.62, Florida Statutes, is amended to read:

128 1011.62 Funds for operation of schools.--If the annual
 129 allocation from the Florida Education Finance Program to each
 130 district for operation of schools is not determined in the
 131 annual appropriations act or the substantive bill implementing
 132 the annual appropriations act, it shall be determined as
 133 follows:

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

138 (e) Funding model for exceptional student education
 139 programs.--

140 1.a. The funding model uses basic, at-risk, support levels
141 IV and V for exceptional students and career Florida Education
142 Finance Program cost factors, and a guaranteed allocation for
143 exceptional student education programs. Exceptional education
144 cost factors are determined by using a matrix of services to
145 document the services that each exceptional student will
146 receive. The nature and intensity of the services indicated on
147 the matrix shall be consistent with the services described in
148 each exceptional student's individual educational plan.

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

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

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

165 2. For students identified as exceptional who do not have
166 a matrix of services and students who are gifted in grades K
167 through 8, there is created a guaranteed allocation to provide

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168 these students with a free appropriate public education, in
169 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board
170 of Education, which shall be allocated annually to each school
171 district in the amount provided in the General Appropriations
172 Act. These funds shall be in addition to the funds appropriated
173 on the basis of FTE student membership in the Florida Education
174 Finance Program, and the amount allocated for each school
175 district shall not be recalculated during the year. These funds
176 shall be used to provide special education and related services
177 for exceptional students and students who are gifted in grades K
178 through 8. Beginning with the 2007-2008 fiscal year, a
179 district's expenditure of funds from the guaranteed allocation
180 for students in grades 9 through 12 who are gifted may not be
181 greater than the amount expended during the 2006-2007 fiscal
182 year for gifted students in grades 9 through 12. Each district
183 school board in its annual financial report to the department
184 shall separately identify the following amounts expended from
185 the guaranteed allocation:

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

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

190 Section 5. Gifted and Academically Talented Student Task
191 Force.--

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

195 (a) The chair of the State Board of Education or his or

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196 her designee, who shall serve as chair.

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

199 (c) Four members who collectively have experience in
200 gifted and academically talented student screening,
201 identification, and education, one of whom shall be appointed by
202 the Governor, one of whom shall be appointed by the President of
203 the Senate, one of whom shall be appointed by the Speaker of the
204 House of Representatives, and one of whom shall be appointed by
205 the chair of the State Board of Education.

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

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

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

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

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224 following:

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

228 (b) Eligibility criteria for academically talented student
229 classification. Such criteria shall identify students who are
230 not classified as gifted but who possess high achievement
231 capability in one or more academic subject areas and who would
232 benefit from participation in accelerated or differentiated
233 curricula learning opportunities.

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

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

241 2. One or more recommended screening instruments.

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

245 1. Classroom-based, school-based, and district-based
246 implementation options.

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

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

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

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

262 (6) This section shall take effect upon this act becoming
263 a law.

264 Section 6. Except as otherwise expressly provided in this
265 act, this act shall take effect July 1, 2010.