

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; requiring members to
25 serve without compensation or reimbursement for per diem
26 and travel expenses; requiring the task force to submit a
27 report to the Governor and Legislature; providing report

28 requirements; providing for the future abolishment of the
 29 task force; providing effective dates.
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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Section 1003.572, Florida Statutes, is created
 34 to read:

35 1003.572 Gifted student education.--

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

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

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

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

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

52 a. Separately identify gifted student education services
 53 that provide: direct instruction to a class consisting only of
 54 gifted students; differentiated instruction for gifted students

55 within a class that also includes students who are not gifted;
56 and noninstructional consultation services.

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

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

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

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

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

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

77 1003.573 Whole-grade and subject matter acceleration.--

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

82 (2) Each district school board shall report annually to

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

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

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

96 Section 3. Paragraph (c) of subsection (3) of section
 97 1004.04, Florida Statutes, is amended to read:

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

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

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

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

111 Florida public schools.

112 2. Scientifically researched, knowledge-based reading
113 literacy and computational skills instruction so that program
114 graduates will be able to provide the necessary academic
115 foundations for their students at whatever grade levels they
116 choose to teach.

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

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

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

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

127 Section 4. Paragraph (e) of subsection (1) of section
128 1011.62, Florida Statutes, is amended to read:

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

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

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

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

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

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

166 2. For students identified as exceptional who do not have

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

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

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

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

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

195 seven members:

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

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

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

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

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

213 (3) The task force is assigned to the Department of
214 Education for administrative purposes. Members of the task force
215 shall serve without compensation and are not entitled to receive
216 reimbursement for per diem and travel expenses under s. 112.061.
217 Meetings may be held via teleconference or other electronic
218 means. Members of the task force are subject to the Code of
219 Ethics for Public Officers and Employees under part III of
220 chapter 112, Florida 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
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
255 of 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.

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
265 a law.

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