



PreK-12 Appropriations Committee

Thursday, March 19, 2009
8:00 a.m. – 10:00 a.m.
404 House Office Building

Meeting Packet

Larry Cretul
Speaker

Anitere Flores
Chair



The Florida House of Representatives

PreK-12 Appropriations Committee

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Meeting Agenda

Thursday, March 19, 2009
404 House Office Building
8:00 a.m. to 10:00 a.m.

I. Call to Order

II. Roll Call

III. Consideration of the following:

- **CS/HB 543 relating to High School Science Assessment by PreK-12 Policy Committee, Mayfield**
- **CS/HB 835 relating to Gifted and Academically Talented Student Education by PreK-12 Policy Committee, Legg**

IV. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 543 High School Science Assessment

SPONSOR(S): PreK-12 Policy Committee

TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee	11 Y, 2 N, As CS	Brock	Ahearn
1)	PreK-12 Appropriations Committee		Clark	Heflin
2)	Full Appropriations Council on Education & Economic Development			
3)				
4)				
5)				

SUMMARY ANALYSIS

The Committee Substitute (CS) for House Bill 543 provides that beginning in the 2010-2011 school year, students entering grade 9 are required to earn one credit in Biology I, or a series of equivalent courses that have been approved by the State Board of Education (SBE), in order to graduate from high school.

The CS replaces the existing Grade 11 Science FCAT with an end-of-course assessment in Biology I at the high school level. In order to give DOE time to produce a statewide, standardized end-of-course assessment in biology the CS includes a phased implementation schedule:

2010-2011 School Year:

- The Grade 11 Science FCAT will be administered for the last time.
- The biology end-of-course assessment will be administered as a field test.

2011-2012 School Year:

- The Grade 11 Science FCAT is discontinued.
- The end-of-course assessment in biology replaces the comprehensive assessment of science given at the high school level.
- Each student's performance on the end-of-course assessment constitutes 30 percent of the student's final course grade.

2012-2013 School Year and thereafter:

- The end-of-course assessment in biology is administered in high school.
- Students must earn a passing score on the end-of-course assessment in biology in order to pass the course and receive course credit.

The CS requires that high school grades include student performance on the biology end-of-course assessment, which replaces student performance on the Grade 11 Science FCAT, beginning in the 2011-2012 school year.

The CS does not appear to create a fiscal impact on school districts or local governments. The Department of Education estimates an offsetting neutral fiscal impact. (See FISCAL COMMENTS section of this analysis.)

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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 DATE: 3/16/2009

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

No Child Left Behind Act of 2001

The federal No Child Left Behind (NCLB) Act of 2001 reauthorized and substantially revised the Elementary and Secondary Education Act of 1965 which provides federal funds to states and school districts for economically disadvantaged students.¹ The NCLB act requires each state to adopt challenging academic content and student achievement standards that apply to all public schools and students in the state.² The academic content standards are required to:

- Define coherent and rigorous academic content in mathematics, reading or language arts, and science;³
- Specify the knowledge and skills that all students are expected to know and be able to do; and
- Encourage the teaching of advanced skills.⁴

Florida's NCLB state accountability plan states that the *Sunshine State Standards* serve as the state's academic content standards.⁵ The NCLB act requires each state to implement high-quality annual student academic assessments in, at a minimum, mathematics, reading or language arts, and (beginning with the 2007-2008 school year) science.⁶ Florida's NCLB state plan uses the Florida Comprehensive Assessment Test (FCAT) as its academic assessment for purposes of the NCLB act.⁷

¹ *No Child Left Behind Act of 2001*, Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002), 20 U.S.C. § 6311, available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ110.107.pdf.

² 20 U.S.C. § 6311(b)(1)(A)&(B).

³ 20 U.S.C. § 6311(b)(1)(C).

⁴ 20 U.S.C. § 6311(b)(1)(D)(i).

⁵ Florida Department of Education, *Florida NCLB Consolidated State Application Accountability Workbook* (State Accountability Plan), 57-58 (June 8, 2008), available at <http://www.ed.gov/admins/lead/account/stateplans03/flcsa.pdf>; see §§ 1000.21(7) & 1003.41, F.S.

⁶ 20 U.S.C. § 6311(b)(3)(A).

⁷ See *supra* note 5 and accompanying text.

Sunshine State Standards

The *Sunshine State Standards* establish core curricula and benchmarks for student achievement. The State Board of Education is reviewing the *Sunshine State Standards* and replacing them with *Next Generation Sunshine State Standards* to better align curriculum, assessments, graduation requirements, and postsecondary success.⁸

High School Graduation Requirements

Students must earn credits in required high school courses to graduate from high school. There are three options for high school graduation: a traditional 24-credit/4-year option, an accelerated 18-credit/3-year College Preparatory Program option, and an accelerated 18-credit/3-year Career Preparatory Program option.⁹ Each of the high school graduation options require 3 science credits to graduate, 2 of which must have a laboratory component.

Students must also pass the Grade 10 FCAT in reading and mathematics or attain concordant scores on either the SAT or the ACT tests. The Grade 11 FCAT Science assessment is not required to graduate.

Student Assessment

The Florida Comprehensive Assessment Test (FCAT) measures student achievement in grades 3 through 11 using benchmarks from the *Sunshine State Standards*.¹⁰ Testing and reporting schedules are required to be published two years in advance of testing. The FCAT consists of criterion-referenced tests in reading, writing, mathematics, and science.¹¹ Reading and mathematics are tested annually in grades 3 through 10. Writing and science are tested once at the elementary, middle, and high school levels.¹² Students take the FCAT Science test in grades 5, 8, and 11.¹³

Achievement scores on FCAT reading, mathematics, and science are reported using five achievement levels. One (1) is the lowest achievement level and 5 is the highest achievement level. The cut scores used on the Grade 11 FCAT Science to differentiate the 5 levels are as follows:¹⁴

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
11	100–278	279–323	324–379	380–424	425–500

End-of-course assessments for subject areas may be administered in addition to the comprehensive assessments. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the Department of Education (DOE).¹⁵ The DOE indicates that it is in the final stages of adopting a new contract for the development and administration of the next generation of FCAT

⁸ Section 1003.41 (1), F.S.

⁹ Sections 1003.428, 1003.429, & 1003.43., F.S.

¹⁰ Section 1008.22(3), F.S.

¹¹ Section 1008.22(3)(c)2., F.S. A criterion-referenced test (CRT) is an assessment in which an individual's performance is compared to a specific learning objective or performance standard and not to the performance of other students. CRTs show how well students performed on specific goals or standards rather than just telling how their performance compares to a norm group of students nationally or locally. The FCAT is based on the *Sunshine State Standards* and measures student progress toward meeting these standards. Florida Department of Education, *FCAT Handbook: A Resource for Educators*, 5 (2005), available at <http://fcats.fldoe.org/handbk/complete.pdf>.

¹² Section 1008.22(3)(c), F.S.

¹³ Rule 6A-1.09422(3)(a), F.A.C.

¹⁴ Rule 6A-1.09422(5)(c), F.A.C.

¹⁵ Section 1008.22(3)(c), F.S.

assessments. The new contract includes new science assessments aligned to the *Next Generation Sunshine State Standards*, including both a comprehensive assessment of science and a science end-of-course exam. These new assessments are planned for implementation in the 2011-2012 school year.¹⁶

High School Grades

School grades were established by the A+ Plan in 1999 to assess school performance. Since then, high school performance grades have gradually changed. Prior to the 2009-2010 school year, a school's grade, including a high school's grade, was based on a combination of:

- Student achievement scores, including achievement scores for students seeking a special diploma;
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10; and
- Improvement of the lowest 25th percentile of students in the school in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance.¹⁷

By not later than the 2009-2010 school year, learning gains for students seeking a special diploma, as measured by an alternate assessment tool must be included in the learning gains component. Also, beginning in the 2009-2010 school year, 50 percent of a high school's grade will remain based upon the elements described above. The other 50 percent of a high school's grade will be based on additional valid data as follows:

- The high school graduation rate;
- As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses, and the students' achievement of industry certification, as determined by the Agency for Workforce Innovation in a career and professional academy;
- Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;
- The high school graduation rate of at-risk students who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;
- As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments; and
- The growth or decline in the components listed above from year to year.¹⁸

Additionally, student assessment data used in determining school grades include the aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

The Science FCAT results were included in school grades beginning in 2007.¹⁹ By DOE rule, one point for each percent of students who score at achievement levels 3, 4, or 5 is awarded toward school grades for students who take the FCAT Science test in grade 11.²⁰

Currently there are not any statewide, standardized end-of-course examinations being administered.

¹⁶ Department of Education Bill Analysis on House Bill 543, February 9, 2009, page 1.

¹⁷ Section 1008.34(3)(b)1., F.S.

¹⁸ Section 1008.34(3)(b)2., F.S.

¹⁹ Section 1008.34(3)(b)1.a., F.S.; Rule 6A-1.09981(5)(a),(6) & (8), F.A.C.

²⁰ Rule 6A-1.09981(8), (a), F.A.C.

Effect of Proposed Changes:

High School Graduation Requirements

The committee substitute provides that beginning in the 2010-2011 school year, students entering grade 9 are required to earn one credit in Biology I, or a series of equivalent courses that have been approved by the State Board of Education (SBE), for general or accelerated graduation.

Student Assessment

The committee substitute replaces the existing Grade 11 Science FCAT with an end-of-course assessment in Biology I, or series of courses that have been approved by the SBE as equivalent to Biology I, at the high school level. In order to give DOE time to produce a statewide, standardized end-of-course assessment in biology aligned with *Next Generation Sunshine State Standards* and in compliance with the No Child Left Behind Act, the committee substitute includes a phased implementation schedule. The scheduled phase-in of the end-of-course assessment and phase-out of the Grade 11 Science FCAT is as follows:

2010-2011 School Year:

- The Grade 11 Science FCAT will be administered for the last time.
- The biology end-of-course assessment will be administered as a field test.

2011-2012 School Year:

- The Grade 11 Science FCAT is discontinued.
- The end-of-course assessment in biology replaces the comprehensive assessment of science given at the high school level.
- Each student's performance on the end-of-course assessment constitutes 30 percent of the student's final course grade.

2012-2013 School Year and thereafter:

- The end-of-course assessment in biology is administered in high school.
- Students must earn a passing score on the end-of-course assessment in biology in order to pass the course and receive course credit.

The Department of Education (DOE) explains the need for a phase-in schedule as follows:

The specified timeline allows the Department to recommend achievement levels and a passing score to the State Board of Education on the biology end-of-course assessment in a manner consistent with the professional Standards for Educational and Psychological Testing. In summary, the Standards call for two data collections that can only occur at the end of the course when the data being collected will be representative of the data that will follow in subsequent years. The first data collection is referred to as the field test (2010-2011 in this case), and it is for the purpose of "trying out" the test items. The second data collection is referred to as the baseline (which will occur in 2011-2012), and it is for the purpose of collecting baseline data for use in setting the achievement levels with the involvement of Florida educators and other stakeholders. By the 2012-2013

school year, achievement levels and a passing score will be approved for use with students participating in the biology end-of-course assessment.²¹

High School Grades

The committee substitute requires that high school grades include student performance on the biology end-of-course assessment, which replaces student performance on the Grade 11 Science FCAT, beginning in the 2011-2012 school year.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.428, F.S., listing the revised general requirements for high school graduation. Beginning in the 2010-2011 school year, students entering grade 9 are required to earn one credit in Biology I, or a series of equivalent courses, in order to graduate.

Section 2. Amends s. 1003.429, F.S., providing accelerated high school graduation options. Beginning in the 2010-2011 school year, students in the accelerated high school graduation program are required to earn one credit in Biology I, or a series of equivalent courses, in order to graduate.

Section 3. Amends s. 1008.22, F.S., providing for a student assessment program for public schools and removing the requirement for the administration of a comprehensive assessment of science at the high school level, beginning in the 2011-2012 school year. An end-of-course assessment in biology at the high school level is required beginning with the 2010-2011 school year.

Section 4. Amends s. 1008.34, F.S., requiring inclusion of the biology end-of-course assessment data in determination of school grades beginning in the 2011-2012 school year.

Section 5. Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The committee substitute does not appear to affect state government revenues.

2. Expenditures:

The committee substitute does not appear to affect state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The committee substitute does not appear to affect local government revenues.

2. Expenditures:

The committee substitute does not appear to affect local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²¹ Department of Education Bill Analysis on Proposed Committee Substitute for House Bill 543, February 27, 2009, page 3.

D. FISCAL COMMENTS:

The DOE estimates the annual cost to administer an end-of-course examination developed by the department is approximately \$1.5 million, or about \$13.76 per student. This cost is based on the current contract provider cost quote and the 2008-2009 enrollment in Biology I (109,026 students).²² In 2010 there will be overlap while the biology end-of-course examination is field-tested in conjunction with the administration of the grade 11 Science FCAT. Discontinuing the Grade 11 Science FCAT in 2011 will offset the cost of implementing the Biology end-of-course examination from 2011 onward. Further, DOE indicates that since the department is in the final stages of signing a new FCAT development and administration contract that includes both the administration of FCAT Science and the field test of a biology end-of-course assessment in 2010-2011, there will be no additional costs to the department to implement the requirements of this proposed committee substitute over those included in the pending contract.²³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The proposed committee substitute does not appear to require a city or county to expend funds or to take any action requiring expenditures; reduce the authority that municipalities or counties had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

There is no new rulemaking authority but the State Board of Education may adopt rules under the existing statute.²⁴

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

The differences between the Committee Substitute (CS) and House Bill 543 are as follows:

- House Bill 543 discontinues the Florida Comprehensive Assessment Test in science administered to students in grade 11 at the end of the 2008-2009 school year. The CS extends the discontinuation date for the Grade 11 Science FCAT to the 2011-2012 school year.
- House Bill 543 requires the science assessment administered at the high school level shall be one or more end-of-course assessments for use as end-of-course examinations beginning with the 2009-2010 school year. The CS provides for a high school biology end-of-course assessment to be field tested in 2010-2011 and implemented in 2011-2012. During the transition year 2011-2012, the biology end-of-course assessment is 30% of the student's course grade and required for

²² Department of Education Bill Analysis on House Bill 543, February 9, 2009, page 2.

²³ Department of Education Bill Analysis on Proposed Committee Substitute for House Bill 543, February 27, 2009, page 2.

²⁴ Section 1001.02(1), F.S.

graduation. Beginning in 2012-2013, the biology end-of-course assessment must be passed for course credit and graduation.

- House Bill 543 requires content knowledge and skills assessed by an end-of-course examination to be aligned to the core curricular content established in the *Sunshine State Standards*. The proposed CS provides that the biology end-of-course assessment is aligned to the *Next Generation Sunshine State Standards*.
- The CS requires the biology end-of-course assessment to be included in the calculation of school grades.

CS/HB 543

YEAR	SCIENCE ASSESSMENT	STUDENT COURSE GRADE	STUDENT GRADUATION REQUIREMENT	SCHOOL GRADE
2010-2011	FCAT Science 11 th Grade Biology EOC (field test)	N/A	Biology credit required. (EOC field test but doesn't count for graduation)	FCAT Science 11 th Grade
2011-2012	No High School FCAT Science Biology EOC	Biology EOC 30% (based on the % correct)	Biology credit required (EOC 30% of grade).	Biology EOC
2012-2013 & Following	No High School FCAT Science Biology EOC	Biology EOC (Must pass EOC to pass course to get credit)	Biology credit required but must pass Biology EOC to pass course and get course credit.	Biology EOC

3/18/2009 9:35 AM

1 A bill to be entitled
 2 An act relating to high school science assessment;
 3 amending ss. 1003.428 and 1003.429, F.S.; requiring
 4 students entering grade 9 to earn one credit in Biology I
 5 or in a series of equivalent courses for high school
 6 graduation beginning with the 2010-2011 school year;
 7 amending s. 1008.22, F.S.; requiring the administration of
 8 an end-of-course assessment in biology as a field test
 9 during the 2010-2011 school year; requiring the end-of-
 10 course assessment in biology to replace the comprehensive
 11 assessment of science administered at the high school
 12 level beginning with the 2011-2012 school year; providing
 13 requirements for course grade and course credit; requiring
 14 the State Board of Education to designate a passing score
 15 for the end-of-course assessment in biology; amending s.
 16 1008.34, F.S.; requiring the inclusion of biology end-of-
 17 course assessment data in determining school grades
 18 beginning with the 2011-2012 school year; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (1) and paragraph (a) of subsection
 24 (2) of section 1003.428, Florida Statutes, are amended to read:
 25 1003.428 General requirements for high school graduation;
 26 revised.--

27 (1) Except as otherwise authorized pursuant to s.
 28 1003.429, beginning with students entering grade 9 ~~their first~~

29 ~~year of high school~~ in the 2007-2008 school year, graduation
 30 requires the successful completion of a minimum of 24 credits,
 31 an International Baccalaureate curriculum, or an Advanced
 32 International Certificate of Education curriculum. Students must
 33 be advised of eligibility requirements for state scholarship
 34 programs and postsecondary admissions.

35 (2) The 24 credits may be earned through applied,
 36 integrated, and combined courses approved by the Department of
 37 Education and shall be distributed as follows:

38 (a) Sixteen core curriculum credits:

39 1. Four credits in English, with major concentration in
 40 composition, reading for information, and literature.

41 2. Four credits in mathematics, one of which must be
 42 Algebra I, a series of courses equivalent to Algebra I, or a
 43 higher-level mathematics course. School districts are encouraged
 44 to set specific goals to increase enrollments in, and successful
 45 completion of, geometry and Algebra II.

46 3. Three credits in science, two of which must have a
 47 laboratory component. Beginning with students entering grade 9
 48 in the 2010-2011 school year, one of the three credits in
 49 science must be Biology I or a series of courses that have been
 50 approved by the State Board of Education as equivalent to
 51 Biology I.

52 4. Three credits in social studies as follows: one credit
 53 in American history; one credit in world history; one-half
 54 credit in economics; and one-half credit in American government.

55 5. One credit in fine or performing arts, speech and
 56 debate, or a practical arts course that incorporates artistic

57 content and techniques of creativity, interpretation, and
 58 imagination. Eligible practical arts courses shall be identified
 59 through the Course Code Directory.

60 6. One credit in physical education to include integration
 61 of health. Participation in an interscholastic sport at the
 62 junior varsity or varsity level for two full seasons shall
 63 satisfy the one-credit requirement in physical education if the
 64 student passes a competency test on personal fitness with a
 65 score of "C" or better. The competency test on personal fitness
 66 must be developed by the Department of Education. A district
 67 school board may not require that the one credit in physical
 68 education be taken during the 9th grade year. Completion of one
 69 semester with a grade of "C" or better in a marching band clas s,
 70 in a physical activity class that requires participation in
 71 marching band activities as an extracurricular activity, or in a
 72 dance class shall satisfy one-half credit in physical education
 73 or one-half credit in performing arts. This credit may not be
 74 used to satisfy the personal fitness requirement or the
 75 requirement for adaptive physical education under an individual
 76 education plan (IEP) or 504 plan. Completion of 2 years in a
 77 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 78 component of which is drills, shall satisfy the one-credit
 79 requirement in physical education and the one-credit requirement
 80 in performing arts. This credit may not be used to satisfy the
 81 personal fitness requirement or the requirement for adaptive
 82 physical education under an individual education plan (IEP) or
 83 504 plan.

84 Section 2. Subsection (1) of section 1003.429, Florida
 85 Statutes, is amended to read:

86 1003.429 Accelerated high school graduation options.--

87 (1) Students who enter grade 9 in the 2006-2007 school
 88 year and thereafter may select, upon receipt of each consent
 89 required by this section, one of the following three high school
 90 graduation options:

91 (a) Completion of the general requirements for high school
 92 graduation pursuant to s. 1003.43;

93 (b) Completion of a 3-year standard college preparatory
 94 program requiring successful completion of a minimum of 18
 95 academic credits in grades 9 through 12. At least 6 of the 18
 96 credits required for completion of this program must be received
 97 in classes that are offered pursuant to the International
 98 Baccalaureate Program, the Advanced Placement Program, dual
 99 enrollment, Advanced International Certificate of Education, or
 100 specifically listed or identified by the Department of Education
 101 as rigorous pursuant to s. 1009.531(3). The 18 credits required
 102 for completion of this program shall be primary requirements and
 103 shall be distributed as follows:

104 1. Four credits in English, with major concentration in
 105 composition and literature;

106 2. Three credits in mathematics at the Algebra I level or
 107 higher from the list of courses that qualify for state
 108 university admission;

109 3. Three credits in natural science, two of which must
 110 have a laboratory component. Beginning with students entering
 111 grade 9 in the 2010-2011 school year, one of the three credits

112 in science must be Biology I or a series of courses that have
 113 been approved by the State Board of Education as equivalent to
 114 Biology I;

115 4. Three credits in social sciences, which must include
 116 one credit in American history, one credit in world history,
 117 one-half credit in American government, and one-half credit in
 118 economics;

119 5. Two credits in the same second language unless the
 120 student is a native speaker of or can otherwise demonstrate
 121 competency in a language other than English. If the student
 122 demonstrates competency in another language, the student may
 123 replace the language requirement with two credits in other
 124 academic courses; and

125 6. Three credits in electives; or

126 (c) Completion of a 3-year career preparatory program
 127 requiring successful completion of a minimum of 18 academic
 128 credits in grades 9 through 12. The 18 credits shall be primary
 129 requirements and shall be distributed as follows:

130 1. Four credits in English, with major concentration in
 131 composition and literature;

132 2. Three credits in mathematics, one of which must be
 133 Algebra I;

134 3. Three credits in natural science, two of which must
 135 have a laboratory component. Beginning with students entering
 136 grade 9 in the 2010-2011 school year, one of the three credits
 137 in science must be Biology I or a series of courses that have
 138 been approved by the State Board of Education as equivalent to
 139 Biology I;

140 4. Three credits in social sciences, which must include
 141 one credit in American history, one credit in world history,
 142 one-half credit in American government, and one-half credit in
 143 economics;

144 5. Three credits in a single vocational or career
 145 education program, three credits in career and technical
 146 certificate dual enrollment courses, or five credits in
 147 vocational or career education courses; and

148 6. Two credits in electives unless five credits are earned
 149 pursuant to subparagraph 5.

150

151 Any student who selected an accelerated graduation program
 152 before July 1, 2004, may continue that program, and all
 153 statutory program requirements that were applicable when the
 154 student made the program choice shall remain applicable to the
 155 student as long as the student continues that program.

156 Section 3. Paragraph (c) of subsection (3) of section
 157 1008.22, Florida Statutes, is amended to read:

158 1008.22 Student assessment program for public schools.--

159 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 160 design and implement a statewide program of educational
 161 assessment that provides information for the improvement of the
 162 operation and management of the public schools, including
 163 schools operating for the purpose of providing educational
 164 services to youth in Department of Juvenile Justice programs.
 165 The commissioner may enter into contracts for the continued
 166 administration of the assessment, testing, and evaluation
 167 programs authorized and funded by the Legislature. Contracts may

168 | be initiated in 1 fiscal year and continue into the next and may
 169 | be paid from the appropriations of either or both fiscal years.
 170 | The commissioner is authorized to negotiate for the sale or
 171 | lease of tests, scoring protocols, test scoring services, and
 172 | related materials developed pursuant to law. Pursuant to the
 173 | statewide assessment program, the commissioner shall:

174 | (c) Develop and implement a student achievement testing
 175 | program known as the Florida Comprehensive Assessment Test
 176 | (FCAT) as part of the statewide assessment program to measure a
 177 | student's content knowledge and skills in reading, writing,
 178 | science, and mathematics. Other content areas may be included as
 179 | directed by the commissioner. Comprehensive assessments of
 180 | reading and mathematics shall be administered annually in grades
 181 | 3 through 10. Comprehensive assessments of writing and science
 182 | shall be administered at least once at the elementary, middle,
 183 | and high school levels. During the 2010-2011 school year, an
 184 | end-of-course assessment in biology shall be administered as a
 185 | field test at the high school level. Beginning with the 2011-
 186 | 2012 school year, the end-of-course assessment in biology shall
 187 | replace the comprehensive assessment of science administered at
 188 | the high school level. During the 2011-2012 school year, each
 189 | student's performance on the end-of-course assessment in biology
 190 | shall constitute 30 percent of the student's final course grade.
 191 | Beginning with the 2012-2013 school year, a student must earn a
 192 | passing score on the end-of-course assessment in biology in
 193 | order to pass the course and receive course credit. End-of-
 194 | course assessments for a subject may be administered in addition
 195 | to the comprehensive assessments required for that subject under

196 | this paragraph. An end-of-course assessment must be rigorous,
 197 | statewide, standardized, and developed or approved by the
 198 | department. The content knowledge and skills assessed by
 199 | comprehensive and end-of-course assessments must be aligned to
 200 | the core curricular content established in the Sunshine State
 201 | Standards. The commissioner may select one or more nationally
 202 | developed comprehensive examinations, which may include, but
 203 | need not be limited to, examinations for a College Board
 204 | Advanced Placement course, International Baccalaureate course,
 205 | or Advanced International Certificate of Education course or
 206 | industry-approved examinations to earn national industry
 207 | certifications as defined in s. 1003.492, for use as end-of-
 208 | course assessments under this paragraph, if the commissioner
 209 | determines that the content knowledge and skills assessed by the
 210 | examinations meet or exceed the grade level expectations for the
 211 | core curricular content established for the course in the Next
 212 | Generation Sunshine State Standards. The commissioner may
 213 | collaborate with the American Diploma Project in the adoption or
 214 | development of rigorous end-of-course assessments that are
 215 | aligned to the Next Generation Sunshine State Standards. The
 216 | testing program must be designed as follows:

- 217 | 1. The tests shall measure student skills and competencies
 218 | adopted by the State Board of Education as specified in
 219 | paragraph (a). The tests must measure and report student
 220 | proficiency levels of all students assessed in reading, writing,
 221 | mathematics, and science. The commissioner shall provide for the
 222 | tests to be developed or obtained, as appropriate, through
 223 | contracts and project agreements with private vendors, public

224 vendors, public agencies, postsecondary educational
 225 institutions, or school districts. The commissioner shall obtain
 226 input with respect to the design and implementation of the
 227 testing program from state educators, assistive technology
 228 experts, and the public.

229 2. The testing program shall be composed of criterion-
 230 referenced tests that shall, to the extent determined by the
 231 commissioner, include test items that require the student to
 232 produce information or perform tasks in such a way that the core
 233 content knowledge and skills he or she uses can be measured.

234 3. Beginning with the 2008-2009 school year, the
 235 commissioner shall discontinue administration of the selected-
 236 response test items on the comprehensive assessments of writing.
 237 Beginning with the 2012-2013 school year, the comprehensive
 238 assessments of writing shall be composed of a combination of
 239 selected-response test items, short-response performance tasks,
 240 and extended-response performance tasks, which shall measure a
 241 student's content knowledge of writing, including, but not
 242 limited to, paragraph and sentence structure, sentence
 243 construction, grammar and usage, punctuation, capitalization,
 244 spelling, parts of speech, verb tense, irregular verbs, subject-
 245 verb agreement, and noun-pronoun agreement.

246 4. A score shall be designated for each subject area
 247 tested, below which score a student's performance is deemed
 248 inadequate. The school districts shall provide appropriate
 249 remedial instruction to students who score below these levels.

250 5. Except as provided in s. 1003.428(8) (b) or s.
 251 1003.43(11) (b), students must earn a passing score on the grade

252 | 10 assessment test described in this paragraph or attain
 253 | concordant scores as described in subsection (10) in reading,
 254 | writing, and mathematics to qualify for a standard high school
 255 | diploma. The State Board of Education shall designate a passing
 256 | score for each part of the grade 10 assessment test and the end-
 257 | of-course assessment in biology. In establishing passing scores,
 258 | the state board shall consider any possible negative impact of
 259 | the test on minority students. The State Board of Education
 260 | shall adopt rules which specify the passing scores for each part
 261 | of the grade 10 assessment test and the end-of-course assessment
 262 | in biology ~~FCAT~~. Any such rules, which have the effect of
 263 | raising the required passing scores, shall apply only to
 264 | students taking the assessment ~~grade 10 FCAT~~ for the first time
 265 | after such rules are adopted by the State Board of Education.

266 | 6. Participation in the testing program is mandatory for
 267 | all students attending public school, including students served
 268 | in Department of Juvenile Justice programs, except as otherwise
 269 | prescribed by the commissioner. If a student does not
 270 | participate in the statewide assessment, the district must
 271 | notify the student's parent and provide the parent with
 272 | information regarding the implications of such nonparticipation.
 273 | A parent must provide signed consent for a student to receive
 274 | classroom instructional accommodations that would not be
 275 | available or permitted on the statewide assessments and must
 276 | acknowledge in writing that he or she understands the
 277 | implications of such instructional accommodations. The State
 278 | Board of Education shall adopt rules, based upon recommendations
 279 | of the commissioner, for the provision of test accommodations

280 for students in exceptional education programs and for students
 281 who have limited English proficiency. Accommodations that negate
 282 the validity of a statewide assessment are not allowable in the
 283 administration of the FCAT. However, instructional
 284 accommodations are allowable in the classroom if included in a
 285 student's individual education plan. Students using
 286 instructional accommodations in the classroom that are not
 287 allowable as accommodations on the FCAT may have the FCAT
 288 requirement waived pursuant to the requirements of s.
 289 1003.428(8)(b) or s. 1003.43(11)(b).

290 7. A student seeking an adult high school diploma must
 291 meet the same testing requirements that a regular high school
 292 student must meet.

293 8. District school boards must provide instruction to
 294 prepare students to demonstrate proficiency in the core
 295 curricular content established in the Next Generation Sunshine
 296 State Standards adopted under s. 1003.41, including the core
 297 content knowledge and skills necessary for successful grade-to-
 298 grade progression and high school graduation. If a student is
 299 provided with instructional accommodations in the classroom that
 300 are not allowable as accommodations in the statewide assessment
 301 program, as described in the test manuals, the district must
 302 inform the parent in writing and must provide the parent with
 303 information regarding the impact on the student's ability to
 304 meet expected proficiency levels in reading, writing, and
 305 mathematics. The commissioner shall conduct studies as necessary
 306 to verify that the required core curricular content is part of
 307 the district instructional programs.

308 9. District school boards must provide opportunities for
 309 students to demonstrate an acceptable level of performance on an
 310 alternative standardized assessment approved by the State Board
 311 of Education following enrollment in summer academies.

312 10. The Department of Education must develop, or select,
 313 and implement a common battery of assessment tools that will be
 314 used in all juvenile justice programs in the state. These tools
 315 must accurately measure the core curricular content established
 316 in the Sunshine State Standards.

317 11. For students seeking a special diploma pursuant to s.
 318 1003.438, the Department of Education must develop or select and
 319 implement an alternate assessment tool that accurately measures
 320 the core curricular content established in the Sunshine State
 321 Standards for students with disabilities under s. 1003.438.

322 12. The Commissioner of Education shall establish
 323 schedules for the administration of statewide assessments and
 324 the reporting of student test results. The commissioner shall,
 325 by August 1 of each year, notify each school district in writing
 326 and publish on the department's Internet website the testing and
 327 reporting schedules for, at a minimum, the school year following
 328 the upcoming school year. The testing and reporting schedules
 329 shall require that:

330 a. There is the latest possible administration of
 331 statewide assessments and the earliest possible reporting to the
 332 school districts of student test results which is feasible
 333 within available technology and specific appropriations;
 334 however, test results must be made available no later than the
 335 final day of the regular school year for students.

336 b. Beginning with the 2010-2011 school year, a
 337 comprehensive statewide assessment of writing is not
 338 administered earlier than the week of March 1 and a
 339 comprehensive statewide assessment of any other subject is not
 340 administered earlier than the week of April 15.

341 c. A statewide standardized end-of-course assessment is
 342 administered within the last 2 weeks of the course.

343

344 The commissioner may, based on collaboration and input from
 345 school districts, design and implement student testing programs,
 346 for any grade level and subject area, necessary to effectively
 347 monitor educational achievement in the state, including the
 348 measurement of educational achievement of the Sunshine State
 349 Standards for students with disabilities. Development and
 350 refinement of assessments shall include universal design
 351 principles and accessibility standards that will prevent any
 352 unintended obstacles for students with disabilities while
 353 ensuring the validity and reliability of the test. These
 354 principles should be applicable to all technology platforms and
 355 assistive devices available for the assessments. The field
 356 testing process and psychometric analyses for the statewide
 357 assessment program must include an appropriate percentage of
 358 students with disabilities and an evaluation or determination of
 359 the effect of test items on such students.

360 Section 4. Paragraphs (b) and (c) of subsection (3) of
 361 section 1008.34, Florida Statutes, are amended to read:

362 1008.34 School grading system; school report cards;
 363 district grade.--

364 (3) DESIGNATION OF SCHOOL GRADES.--
 365 (b)1. A school's grade shall be based on a combination of:
 366 a. Student achievement scores, including achievement
 367 scores for students seeking a special diploma.
 368 b. Student learning gains as measured by annual FCAT
 369 assessments in grades 3 through 10; learning gains for students
 370 seeking a special diploma, as measured by an alternate
 371 assessment tool, shall be included not later than the 2009-2010
 372 school year.
 373 c. Improvement of the lowest 25th percentile of students
 374 in the school in reading, mathematics, or writing on the FCAT,
 375 unless these students are exhibiting satisfactory performance.
 376 2. Beginning with the 2009-2010 school year for schools
 377 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 378 11, and 12, 50 percent of the school grade shall be based on a
 379 combination of the factors listed in sub-subparagraphs 1.a.-c.
 380 and the remaining 50 percent on the following factors:
 381 a. The high school graduation rate of the school;
 382 b. As valid data becomes available, the performance and
 383 participation of the school's students in College Board Advanced
 384 Placement courses, International Baccalaureate courses, dual
 385 enrollment courses, and Advanced International Certificate of
 386 Education courses; and the students' achievement of industry
 387 certification, as determined by the Agency for Workforce
 388 Innovation under s. 1003.492(2) in a career and professional
 389 academy, as described in s. 1003.493;
 390 c. Postsecondary readiness of the school's students as
 391 measured by the SAT, ACT, or the common placement test;

392 d. The high school graduation rate of at-risk students who
 393 scored at Level 2 or lower on the grade 8 FCAT Reading and
 394 Mathematics examinations;

395 e. As valid data becomes available, the performance of the
 396 school's students on statewide standardized end-of-course
 397 assessments not required for high school graduation, which are
 398 administered under s. 1008.22; and

399 f. The growth or decline in the components listed in sub-
 400 subparagraphs a.-e. from year to year.

401 (c) Student assessment data used in determining school
 402 grades shall include:

403 1. The aggregate scores of all eligible students enrolled
 404 in the school who have been assessed on the FCAT and
 405 standardized end-of-course assessments required for high school
 406 graduation, including, beginning with the 2011-2012 school year,
 407 the end-of-course assessment in biology.

408 2. The aggregate scores of all eligible students enrolled
 409 in the school who have been assessed on the FCAT and who have
 410 scored at or in the lowest 25th percentile of students in the
 411 school in reading, mathematics, or writing, unless these
 412 students are exhibiting satisfactory performance.

413 3. Effective with the 2005-2006 school year, the
 414 achievement scores and learning gains of eligible students
 415 attending alternative schools that provide dropout prevention
 416 and academic intervention services pursuant to s. 1003.53. The
 417 term "eligible students" in this subparagraph does not include
 418 students attending an alternative school who are subject to
 419 district school board policies for expulsion for repeated or

420 | serious offenses, who are in dropout retrieval programs serving
 421 | students who have officially been designated as dropouts, or who
 422 | are in programs operated or contracted by the Department of
 423 | Juvenile Justice. The student performance data for eligible
 424 | students identified in this subparagraph shall be included in
 425 | the calculation of the home school's grade. As used in this
 426 | section and s. 1008.341, the term "home school" means the school
 427 | to which the student would be assigned if the student were not
 428 | assigned to an alternative school. If an alternative school
 429 | chooses to be graded under this section, student performance
 430 | data for eligible students identified in this subparagraph shall
 431 | not be included in the home school's grade but shall be included
 432 | only in the calculation of the alternative school's grade. A
 433 | school district that fails to assign the FCAT scores of each of
 434 | its students to his or her home school or to the alternative
 435 | school that receives a grade shall forfeit Florida School
 436 | Recognition Program funds for 1 fiscal year. School districts
 437 | must require collaboration between the home school and the
 438 | alternative school in order to promote student success. This
 439 | collaboration must include an annual discussion between the
 440 | principal of the alternative school and the principal of each
 441 | student's home school concerning the most appropriate school
 442 | assignment of the student.

443 | 4. Beginning with the 2009-2010 school year for schools
 444 | comprised of high school grades 9, 10, 11, and 12, or grades 10,
 445 | 11, and 12, the data listed in subparagraphs 1.-3. and the
 446 | following data as the Department of Education determines such
 447 | data are valid and available:

- 448 a. The high school graduation rate of the school as
 449 calculated by the Department of Education;
- 450 b. The participation rate of all eligible students
 451 enrolled in the school and enrolled in College Board Advanced
 452 Placement courses; International Baccalaureate courses; dual
 453 enrollment courses; Advanced International Certificate of
 454 Education courses; and courses or sequence of courses leading to
 455 industry certification, as determined by the Agency for
 456 Workforce Innovation under s. 1003.492(2) in a career and
 457 professional academy, as described in s. 1003.493;
- 458 c. The aggregate scores of all eligible students enrolled
 459 in the school in College Board Advanced Placement courses,
 460 International Baccalaureate courses, and Advanced International
 461 Certificate of Education courses;
- 462 d. Earning of college credit by all eligible students
 463 enrolled in the school in dual enrollment programs under s.
 464 1007.271;
- 465 e. Earning of an industry certification, as determined by
 466 the Agency for Workforce Innovation under s. 1003.492(2) in a
 467 career and professional academy, as described in s. 1003.493;
- 468 f. The aggregate scores of all eligible students enrolled
 469 in the school in reading, mathematics, and other subjects as
 470 measured by the SAT, the ACT, and the common placement test for
 471 postsecondary readiness;
- 472 g. The high school graduation rate of all eligible at-risk
 473 students enrolled in the school who scored at Level 2 or lower
 474 on the grade 8 FCAT Reading and Mathematics examinations;

475 h. The performance of the school's students on statewide
 476 standardized end-of-course assessments not required for high
 477 school graduation, which are administered under s. 1008.22; and

478 i. The growth or decline in the data components listed in
 479 sub-subparagraphs a.-h. from year to year.

480

481 The State Board of Education shall adopt appropriate criteria
 482 for each school grade. The criteria must also give added weight
 483 to student achievement in reading. Schools designated with a
 484 grade of "C," making satisfactory progress, shall be required to
 485 demonstrate that adequate progress has been made by students in
 486 the school who are in the lowest 25th percentile in reading,
 487 mathematics, or writing on the FCAT, unless these students are
 488 exhibiting satisfactory performance. Beginning with the 2009-
 489 2010 school year for schools comprised of high school grades 9,
 490 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 491 school grades must also give added weight to the graduation rate
 492 of all eligible at-risk students, as defined in this paragraph.
 493 Beginning in the 2009-2010 school year, in order for a high
 494 school to be designated as having a grade of "A," making
 495 excellent progress, the school must demonstrate that at-risk
 496 students, as defined in this paragraph, in the school are making
 497 adequate progress.

498 Section 5. This act shall take effect July 1, 2009.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 835

Gifted and Academically Talented Student Education

SPONSOR(S): Legg

TIED BILLS:

IDEN./SIM. BILLS: SB 1870

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	13 Y, 0 N, As CS	Duncan	Ahearn
2)	PreK-12 Appropriations Committee		Clark <i>sc</i>	Heflin <i>AH</i>
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

A "gifted" student is defined as "one who has superior intellectual development and is capable of high performance." Gifted students are classified as exceptional students because they need special services in order to make appropriate educational progress. District school boards are statutorily required to provide exceptional students in grades K-12 with appropriate diagnosis, evaluation, special instruction, facilities, and services.

The Committee Substitute for HB 835 (CS) revises the law relating to gifted education for students in grades K-12, as follows:

- Parents will receive annual written notice from their school districts of the eligibility criteria required for gifted student classification and of the procedures for requesting gifted evaluations.
- School districts will be required to annually report to the Department of Education (DOE) by grade and school level: the number of students classified as gifted; the types of gifted services provided; the hours of gifted services provided to each student and whether those services are provided by a gifted endorsed teacher; and performance data for students receiving gifted services.
- The DOE will be required to develop, and school districts will be required to implement, statewide policies for whole-grade and subject matter acceleration. School districts will also be required to annually report to the DOE the number of students who were accelerated one or more whole grades and who participated in subject matter acceleration programs.
- State-approved teacher preparation programs will be required to incorporate instruction on how to identify gifted students and how to differentiate the general education curriculum for gifted students.
- School districts will be required to annually report how much they spend from the Exceptional Student Education Guaranteed Allocation for gifted services.
- The Gifted and Academically Talented Task Force will be established to provide the executive and legislative branches with recommendations for: improvements to existing gifted eligibility criteria; model procedures for screening students; model programs for gifted and academically talented education; and procedures for evaluating the effectiveness of such programs and the performance of students in those programs.

The effective date of the CS for the establishment and operations of the Gifted and Academically Talented Task Force is upon becoming a law while all other provisions of this bill become effective July 1, 2010.

See **FISCAL COMMENTS** section of this analysis.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Gifted Screening and Evaluation

A "gifted" student is defined as "one who has superior intellectual development and is capable of high performance."¹ Gifted students are classified as exceptional students² because they need special services in order to make appropriate educational progress.

In general, school districts follow a four-step process to determine gifted students:

1. Identify students to be screened for eligibility;
2. Screen identified students and recommend those who meet criteria for further assessment;
3. Evaluate recommended students by a school or outside psychologist; and
4. Review psychologists' evaluations and related materials to make final determinations of student eligibility to receive gifted services.³

The methods school districts use to select students who will be evaluated for gifted eligibility varies. Most school districts consider a student's academic performance and assessment results, teacher referrals, and student records. Forty-four school districts also consider parent recommendations. Thirteen school districts screen all students in a particular grade.⁴ Checklists of gifted student characteristics are also frequently used and many school districts also use formal or informal observation. Twelve school districts report using a test of intellectual ability when screening students to determine whether they will receive an individual evaluation.⁵

¹ Rule 6A-6.03019, F.A.C.

² s. 1003.01(3), F.S.

³ <http://www.oppage.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, January 2008.

⁴ *Id.*

⁵ *Id.*

Two methods are used for determining gifted eligibility status. A student must either:

- Demonstrate a need for a special program, superior intellectual development as measured by an intelligence quotient (IQ) of at least two standard deviations above the mean,⁶ and possess gifted characteristics according to a standard scale or checklist; or
- Be a member of an underrepresented group, i.e., limited English proficient (LEP) or of low socioeconomic status and meet district-determined criteria set forth in an approved school district plan for increasing participation in gifted education by underrepresented groups.⁷

The alternative method for determining gifted status, known as Plan B, need not meet the IQ requirement to obtain gifted status if they otherwise meet the criteria set forth in the school district's plan.⁸ As of January 2008, 53 of 67 Florida school districts have an approved alternative identification plan for determining gifted eligibility.⁹ Beginning with the 2008-2009 school year, school districts will submit their current Plan B with their revised Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document for approval. This will ensure that DOE's records are current and reflect accurately those districts that are currently implementing Plan B.¹⁰

Gifted Educational Plan and Services

Educational plans (EPs) are developed for students identified solely as gifted. The procedures for the development of the EPs are included in each school district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students.¹¹ Each district school board is statutorily required to submit its proposed procedures for providing special instruction and services to the Department of Education (DOE) every three years.¹²

Within 30 days of determining that a student is gifted, an evaluation and written services plan must be developed. The educational plan (EP) must include the student's performance level and goals and a description of the student's educational needs and the services that will be provided to meet those needs. The EP is developed by a multidisciplinary team that includes school and district staff and other experts, if necessary. Parents must participate in the development of the plan providing critical information regarding the strengths of the child and discussing the child's specific needs. A gifted student must have an EP at the beginning of each school year and it must be reviewed at least every three years for primary and middle school students and every four years for high school students. A parent or the school may request a review of the EP at any time.¹³

District school boards are statutorily required to provide exceptional students in grades K-12 with appropriate diagnosis, evaluation, special instruction, facilities, and services. Instruction, facilities, and services may be provided within a district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet certain standards. While current law requires districts to provide special instruction and services to gifted students, it does not specify type of courses and services required.¹⁴

⁶ Two standard deviations above the mean or higher generally equates to a determination that the student has an IQ of 130 or higher. See <http://www.oppaga.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, January 2008.

⁷ Rule 6A-6.03019, F.A.C.

⁸ *Id.*

⁹ <http://www.oppaga.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, January 2008.

¹⁰ Six-Month Follow-up – OPPAGA Report of January 2008, Florida Department of Education, July 15, 2008.

¹¹ Rule 6A-6.030191, F.A.C.

¹² s. 1003.57(1)(d), F.S.

¹³ Rule 6A-6.030191(6)(c), F.A.C. See also Florida Department of Education, Bureau of Exceptional Education and Student Services, *Technical Assistance Paper: Development of Educational Plans for Students Who Are Gifted*, No. 2006-3 (November 2005) available at <http://www.fldoe.org/ESE/pdf/y2006-3.pdf>.

¹⁴ s. 1003.57(1), F.S.

School district gifted education services generally fall into one of two categories: enrichment or acceleration. Enrichment activities provide students with more complex and in-depth study of subjects than is available through the regular education curriculum. Acceleration allows a student to work at a faster pace or engage in higher level work and may include grade skipping or subject matter acceleration, as well as Advanced Placement programs, college courses offered in high school and early graduation for high school students.¹⁵ Currently, there are no statewide DOE-developed whole-grade and subject matter acceleration policies. Development and implementation of such policies is left to the discretion of the school districts.¹⁶

Statutorily there are a variety of acceleration mechanisms available for high school students attending public schools. These mechanisms include: dual enrollment, early admission to a postsecondary institution, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program.¹⁷ These programs are often utilized to serve both gifted and academically talented high school students.

Teacher Preparation and Gifted Students

Current law requires the State Board of Education (SBE) to adopt rules establishing a uniform core curriculum for state-approved teacher preparation programs. Among other things, such teacher preparation programs must include instruction in teaching limited English proficient (LEP) students and teaching reading literacy and computational skills at all grade levels.¹⁸ Currently, state-approved teacher preparation programs do not require instruction related to gifted identification and programming.¹⁹

Only practicing teachers who seek a gifted education endorsement are required to receive instruction pertaining to gifted students. Persons seeking the gifted endorsement must possess a baccalaureate or higher degree with certification and complete fifteen semester hours in gifted education coursework. Gifted education coursework must address gifted characteristics and strategies for providing instruction, creative learning opportunities, guidance, and counseling to gifted students. Such coursework must also address strategies for teaching gifted students with diverse backgrounds and learning styles.²⁰

Gifted Funding

Funding for exceptional students is calculated using a system of weighted cost factors. Cost factors are determined by using a matrix of services (MOS) that the exceptional student will receive. For exceptional students who do not receive MOS funding and gifted students in grades K-8 the funding of their education is provided through the Exceptional Student Education (ESE) Guaranteed Allocation. The ESE Guaranteed Allocation is a lump sum allocation that districts receive in addition to base student funding through the Florida Education Finance Program (FEFP).²¹

The Legislature increased gifted student funding by 26% from 2005-2006 to 2007-2008. This increase is attributed to a 6.7% rise in the statewide number of gifted students which caused the amount of ESE Guaranteed Allocation funding for gifted students to increase from \$243 million in 2005-2006 to \$276 million in 2006-2007.²² In response to these increases, the 2007 Legislature amended the FEFP statute to provide that a school district's expenditure of ESE Guaranteed Allocation funds for gifted students in grades nine through 12 could not exceed the amount it expended in 2006-2007.²³

¹⁵ http://www.fldoe.org/ESE/pdf/gift_accel.pdf, Florida Department of Education, Bureau of Exceptional Education and Student Services, *Information Brief: Acceleration of Gifted Students* (2003).

¹⁶ <http://www.oppaga.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, January 2008.

¹⁷ s. 1007.27, F.S., s. 1007.271, F.S., and s. 1007.272, F.S.

¹⁸ s. 1004.04(2), F.S.

¹⁹ Rule 6A-5.066, F.A.C.

²⁰ Rule 6A-4.01791, F.A.C.

²¹ s. 1011.62((1)(e)), F.S.

²² <http://www.oppaga.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, *Florida Gifted Grew Faster Than the Overall School Enrollment*, Report No. 08-01, January 2008.

²³ s. 1011.62(1)(e), F.S.

In 2008, the Legislature appropriated \$1,056,618,468 for the ESE Guaranteed Allocation for the 2008-2009 school year.²⁴ Approximately \$124,431,745 of the ESE Guaranteed Allocation is for gifted students. The total FEFP funds for gifted students, including the ESE Guaranteed Allocation, are approximately \$894,765,816.²⁵

In order to participate in the FEFP, school districts are required to maintain accurate financial records.²⁶

Each school district must annually report its expenditures of all state, local, and federal funds. However, school districts are not currently required to separately identify the amounts of ESE Guaranteed Allocation funding expended to provide education services to disabled students and gifted students.²⁷

Effect of Proposed Changes

Parental Notice and District Reporting

The CS requires district school boards to annually provide written notice to parents of students in grades K-12 of the eligibility criteria for gifted student classification and the procedures for requesting an evaluation of their children. District school boards can meet this requirement by, for example, including such notice in an annual communication to parents such as the Student Code of Conduct or through an e-mail communication.

The CS also requires district school boards to annually report to the Department of Education (DOE) by school and grade level:

- The number of students classified as gifted under the generally applicable criteria set forth in SBE rule and the number classified under a DOE-approved school district plan for increasing the participation of underrepresented groups.
- The types of gifted student education services that it provides and the number of students receiving each service. Additionally, districts are directed to specify: the number of hours per week each service is provided to each student; whether the service consists of direct instruction in a gifted-only class, differentiated instruction in a class with both gifted and non-gifted students, or noninstructional consultation services; and whether the service is provided by a SBE gifted endorsed teacher.
- Performance data for students receiving gifted education services.

Student data must be disaggregated by race, ethnicity, limited English proficient (LEP) status, and free or reduced-price lunch eligibility status. The DOE is required to develop data elements to facilitate district reporting and the State Board of Education (SBE) must adopt rules to implement these reporting requirements.

Acceleration

The CS requires the DOE to develop, and district school boards to implement, statewide policies that set forth procedures and eligibility criteria for whole-grade and subject matter acceleration for students in grades K-12.

The CS also requires district school boards to annually report to the DOE by school and grade:

- The number of, and performance data for, students who were accelerated one or more whole grades.

²⁴ Specific Appropriation 81, Chapter 2008-152, L.O.F. as adjusted by Specific Appropriation 42, Chapter 2009-1, L.O.F.

²⁵ Florida Department of Education. Revenue Estimate Worksheet for Gifted Based on the Revised Third Calculation of the FEFP 2008-2009, March 5, 2009.

²⁶ s. 1011.60(1), F.S.

²⁷ s. 1010.20, F.S.

- The types of subject matter acceleration programs offered.
- The number of, and performance data for, students who participated in subject matter acceleration programs.

Student data must be disaggregated by race, ethnicity, LEP status, and free or reduced price lunch eligibility status. The DOE is required to develop data elements to facilitate district reporting and the SBE must adopt rules to implement the section.

Teacher Preparation and Gifted Students

The CS requires each state approved teacher preparation program to incorporate gifted student instruction so that program graduates: will be able to recognize the characteristics of gifted students; have knowledge of gifted eligibility criteria and the procedures for referring a student for gifted evaluation; and have knowledge of how to differentiate the general education curriculum for gifted students.

Gifted Education Funding

The CS requires each school district in its annual financial report to the DOE to separately identify the following amounts that it expends from the Exceptional Student Education Guaranteed Allocation: (a) the amount expended for students identified as exceptional who do not have a matrix of services; and (b) the amount expended for gifted students in grades K-12 according to grade level.

Gifted and Academically Talented Task Force

The CS establishes the Gifted and Academically Talented Task Force (task force). The task force is to be composed of the following seven members:

- The chair of the SBE or his or her designee, who shall serve as chair.
- The Commissioner of Education or his or her designee, who shall serve as vice-chair.
- Four members who collectively have experience in gifted and academically talented student screening, identification, and education, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the chair of the SBE.
- One member who represents an advocacy group for parents of gifted children who shall be appointed by the Governor.

The members must be appointed by October 1, 2009, and the task force must have its first meeting by November 1, 2009 and all meetings must be conducted by teleconference. The task force is assigned to the DOE for administrative purposes. Members of the task force are not entitled to compensation and are subject to the Code of Ethics for Public Officers and Employees under part III of chapter 112, F.S.

The task force is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2010,²⁸ that provides recommendations, based upon peer-reviewed research and the members' collective expertise, with regard to:

- Revising the statute and rule governing eligibility criteria for gifted student classification generally and in underrepresented groups.

²⁸ The report is due five months from when the appointments to the task force should be made and four months from the task force's first meeting.

- Developing eligibility criteria for academically talented student classification that identifies students who are not classified as gifted, but who possess high achievement capability in one or more academic subject areas.
- Developing annual screening procedures for the determination of students who should be further evaluated for identification as gifted or academically talented students. At a minimum, the procedures must identify:
 - The most appropriate grade or grades within each of the elementary, middle, or high school levels to administer such screenings for all students.
 - One or more recommended screening instruments.
- Identifying model gifted and academically talented student education programs. Such programs must include:
 - Classroom-based, school-based, and district-based implementation options.
 - Subject matter acceleration opportunities, differentiated curricula that address the exceptional learning needs of gifted and academically talented students, and enrichment activities that extend learning opportunities available in the classroom.
- Identifying procedures for annually evaluating the effectiveness of model gifted and academically talented student education programs.
- Identifying procedures for evaluating students participating in gifted or academically talented student education programs to determine student performance and whether the students are benefiting from, and continue to be eligible to participate in, the programs.

The CS specifies that the task force is abolished upon delivery of its final report and recommendations.

B. SECTION DIRECTORY:

Section 1: Creates s. 1003.572, F.S.; requiring district school boards to provide parental notice of gifted eligibility requirements and procedures for requesting evaluations for gifted classification; requiring district school board reporting of gifted classification, services, and performance data; requiring the DOE to develop data elements for district reporting; and requiring rulemaking.

Section 2: Creates s. 1003.573, F.S.; requiring the DOE to develop procedures and eligibility criteria for whole-grade and subject matter acceleration; requiring district school boards to implement procedures and eligibility criteria; requiring district school board reporting of student acceleration data; requiring the DOE to develop data elements for district reporting; and requiring rulemaking.

Section 3: Amends s. 1004.04, F.S.; requiring state-approved teacher preparation programs to incorporate specified gifted student instruction.

Section 4: Amends s. 1011.62, F.S.; requiring certain school district Exceptional Student Education Guarantee allocation expenditures to be reported separately.

Section 5: Creates the Gifted and Academically Talented Task Force within the DOE; designating members; requiring all task force meetings to be conducted by teleconference; requiring the task force to submit a report to the Governor and Legislature; providing reporting requirements; and providing for the future abolishment of the task force.

Section 6: Provides an effective date of upon becoming law for the provisions related to the establishment and operations of the Gifted and Academically Talented Task Force while all other provisions become effective July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The cost to school districts to add three new data elements to capture data regarding direct instruction to gifted student classes only, differentiated instruction to gifted students in classes with non-gifted students and non-instructional services, and the number of hours per week for each service per student served and to determine whether the service was provided by a teacher with gifted endorsement will range from \$1,080,000 - \$1,512,000. The table below illustrates how the costs were derived.²⁹

Number of School Districts: (67 school districts, 5 developmental research schools, and Florida Virtual School)	72
Number of Data Elements Needed	3
Cost per School District: (based on the size of the district)	\$5,000 - \$7,000
TOTAL	\$1,080,000 - \$1,512,000

The CS requires district school boards to annually provide written notice to parents of students in grades K-12 of the eligibility criteria for gifted student classification. District school boards can meet this requirement by, for example, including such notice in an annual communication to parents such as the Student Code of Conduct or through an e-mail communication.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

²⁹ Florida Department of Education. Analysis of HB 835, March 5, 2009.

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The CS requires the SBE to adopt rules to implement the provisions of: (a) s. 1003.572, F.S., which requires annual parental notice of gifted eligibility procedures and specified gifted data reporting by districts; and (b) s. 1003.573, F.S., which requires the DOE to develop statewide whole-grade and subject matter acceleration policies and requires district reporting regarding the implementation of those policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 10, 2009, the PreK-12 Policy Committee met and adopted 1 amendment to HB 845 and passed the bill as a Committee Substitute (CS). The differences between the CS and the House Bill are as follows:

- The CS requires all task force meetings to be conducted by teleconference.
- The CS removes the task force members' entitlement to receive per diem and travel expenses.

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 meetings by
25 teleconference; 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.

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.

63
 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

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

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. All meetings shall be conducted
 212 | by teleconference.

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

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

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

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

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

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

240 2. One or more recommended screening instruments.

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

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

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

251 (e) Procedures for annually evaluating the effectiveness

252 of model gifted and academically talented student education
 253 programs.

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

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

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

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

Bill No. 835

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Appropriations
2 Committee
3 Representative Legg offered the following:

Amendment (with title amendment)

6 Remove line(s) 211-215 and insert:
7 task force by November 1, 2009.

8 (3) The task force is assigned to the Department of
9 Education for administrative purposes. Members of the task force
10 shall serve without compensation and are not entitled to receive
11 reimbursement for per diem and travel expenses under s. 112.061.
12 Meetings may be held via teleconference or other electronic
13 means. Members of the task force are

14
15
16 -----
17 **T I T L E A M E N D M E N T**

18 Remove line(s) 24-25 and insert:
19 department; designating members; requiring members to serve
20 without compensation or per diem and travel; requiring the task
21 force to submit a