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# **PreK-12 Policy Committee**

**Tuesday, March 10, 2009**

**3:00 p.m.**

**Morris Hall**

**Larry Cretul  
Speaker**

**John Legg  
Chair**



# The Florida House of Representatives

Education Policy Council

PreK-12 Policy Committee

Larry Cretul  
Speaker

John Legg  
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**Meeting Agenda**  
**Tuesday, March 10, 2009**  
**3:00 p.m.**  
**Morris Hall**

**I. Call to Order**

**II. Roll Call**

**III. Consideration of the following bills:**

- **HRJ 919 Revision of the Class Size Requirements for Public Schools by Weatherford**
- **PCS for HB 543 – High School Science Assessment by Mayfield**
- **HB 835 Gifted and Academically Talented Student Education by Legg**
- **HB 157 Service Learning in the Public School System by Kriseman**

**IV. Closing Comments/Adjournment**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 157 Service Learning in the Public School System

SPONSOR(S): Kriseman and others

TIED BILLS: IDEN./SIM. BILLS: SB 450

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Policy Committee		Duncan <i>pdd</i>	Ahearn <i>[Signature]</i>
2) Education Policy Council			
3) PreK-12 Appropriations Committee			
4) Full Appropriations Council on Education & Economic Development			
5)			

SUMMARY ANALYSIS

HB 157 creates a new section of law that addresses service learning. The bill encourages service-learning programs and activities. Service learning is a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools and communities. Service-learning activities are directly tied to academic curricula and foster academic achievement, character development, civic engagement, and career exploration.

The bill requires the Florida Department of Education (DOE) to:

- Encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in K-12.
- Provide assistance to any school district electing to implement service-learning programs, activities, or policies.
- Develop and adopt elective service-learning courses for middle and high school course code directories.

School districts are encouraged to:

- Include K-12 service-learning programs and activities in proposals submitted to the DOE under federal entitlement grants and competitive state and federal grants.
- Provide support for the use of service learning as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.
- Include service learning as part of any course or activity required for high school graduation.
- Accept service-learning activities and hours in requirements for academic awards.

The hours that high school students devote to course-based service-learning activities may count toward high school graduation and the Florida Bright Futures Scholarship Program community service requirements.

## 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**

##### *Florida's Learn & Serve Program*

The Florida Learn & Serve Program is a federally funded grant program, supported by the Corporation for National and Community Service, that awards grants to schools and school districts to engage youth in service learning. Florida's Learn & Serve Program is within the Bureau of Family and Community Outreach at the Florida Department of Education (DOE) and is administered by Florida State University's Center for Leadership and Civic Education. The Florida Learn & Serve Program is part of the Florida Alliance for Student Service (FASS), a collaboration among several statewide programs dedicated to infusing service learning into the curriculum of all Florida schools, from kindergarten to higher education.<sup>1</sup>

Since 1991, approximately 3,000 grant awards in the amount of more than \$23.6 million have been made by DOE to support service-learning projects across the state. These programs include the following: Drug Prevention Community Service Grant (1991-1994), Florida Learn & Serve Formula grants (1992-present, approximately \$14.4 million to date), Florida Learn & Serve Competitive Grants (1999-present, \$4.2 million to date), and Title IV Community Service Grants (2003-2005, approximately \$5 million). Service-learning language has also been inserted into the request for proposals for 2008 21<sup>st</sup> Century Community Learning Center<sup>2</sup> grants as a choice for school districts.<sup>3</sup>

Currently, there are approximately 75 service-learning projects funded through the DOE's Florida Learn & Serve Program. Several of the projects issue mini-grants for an estimated 300 additional smaller projects. Combined, it is estimated these projects engage approximately 50,000 students in service learning statewide. About two-thirds (33,000) of these students are in high school. These high school students will provide approximately 1,000,000 hours (30 hours per student) of community service this school year.<sup>4</sup> Based on research of past projects, students who participated in service learning,

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<sup>1</sup> <http://www.fsu.edu/~flserve/whoweare.html>

<sup>2</sup> Florida's 21<sup>st</sup> Century Community Learning Centers Program is a component of the federal No Child Left Behind Act and helps students attending Title I eligible schools meet state and local standards in core academic subjects, such as reading and math. See [http://www.afterschoolflorida.hhp.ufl.edu/about\\_us.html](http://www.afterschoolflorida.hhp.ufl.edu/about_us.html)

<sup>3</sup> Florida Department of Education. Bill Analysis for HB 157, February 13, 2009.

<sup>4</sup> *Id.*

especially those at risk, improve their grades, attend school more often, and have fewer discipline referrals.<sup>5</sup>

In service-learning projects funded through Florida Learn & Serve Program activities are related to important learning goals and designed to apply specific learning objectives linked to the Sunshine State Standards. In a school context, the service is directly related to curricula and components of the project are course assignments and part of the student's grade. Examples of service learning are: students serving as reading tutors for other students or for adults; students serving as museum docents; and students conducting service projects for and with seniors including exercise programs, teaching use of computers, or working with seniors to put on public forums on important issues.<sup>6</sup>

The Florida Learn & Serve Program also provides training, technical assistance, evaluation, publications, resource materials, a web site, and conferences to all stakeholders in service learning in Florida.<sup>7</sup> On February 15, 2008, Governor Charlie Crist issued a proclamation designating April as Florida Service-Learning Month.<sup>8</sup>

Endeavor Elementary School in Brevard County, Coral Shores High School in Monroe County, and Seven Springs Middle School in Pasco County incorporate service learning in their curriculum.<sup>9</sup>

### *Florida Bright Futures Scholarship Program*

The Florida Bright Futures Scholarship Program is comprised of three lottery funded scholarships to reward high academic achievement by Florida high school graduates who enroll in a degree program, a certificate program, or applied technology program at an eligible Florida postsecondary institution within 3 years of graduation from high school.<sup>10</sup> The three scholarships under the Florida Bright Futures Scholarship Program are: 1) the Florida Academic Scholarship; 2) the Florida Medallion Scholarship; and 3) the Florida Gold Seal Vocational Scholarship.<sup>11</sup>

Of the three awards, only the Florida Academic Scholars award requires a student to complete a program of community service work approved by the district school board or the administrators of a nonpublic school. A minimum of 75 hours of service work is required and the student must identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and through papers or other presentations, evaluate and reflect upon his or her service.<sup>12</sup>

### **Effect of Proposed Changes**

HB 157 creates section 1003.497, F.S., to encourage service learning in public schools. Service learning is a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their communities and schools. Service-learning activities are directly tied to academic curricula; standards; and course, district, or state assessments. These activities foster academic achievement, character development, civic engagement, and career exploration and enable students to apply curriculum content, skills, and behaviors taught in the classroom.

The Department of Education (DOE) must:

- Encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12.

<sup>5</sup> <http://www.fsu.edu/~flserve/sl/sl.html>

<sup>6</sup> <http://www.fsu.edu/~flserve/sl/sl.html>

<sup>7</sup> <http://www.fsu.edu/~flserve/index.html> Standards for Service-Learning in Florida, Florida Department of Education, 2009.

<sup>8</sup> <http://www.fsu.edu/~flserve/resources/e-news.html> Florida Learn & Serve-In the News, March-May 2008.

<sup>9</sup> <http://www.fsu.edu/~flserve/resources/e-news.html> Florida Learn & Serve In the News, March – May 2008.

<sup>10</sup> s. 1009.53, F.S., see also s. 1009.531, F.S. and s. 1009.533, F.S.

<sup>11</sup> s. 1009.53, F.S., see also s. 1009.534, F.S., s. 1009.535, F.S., and s. 1009.536, F.S.

<sup>12</sup> s. 1009.534(1), F.S.

- Provide assistance to any school district that elects to implement service-learning programs, activities, or policies in locating, leveraging, and utilizing available or alternative financial resources that will assist school districts or teachers desiring to receive training and other resources to develop and administer service-learning programs or activities.
- Develop and adopt elective service-learning courses for inclusion in middle and high school course code directories.

The bill encourages school districts to:

- Include kindergarten through grade 12 service-learning programs and activities in proposals they submit to the DOE under federal entitlement grants and competitive state and federal grants administered through the DOE.
- Provide support for the use of service learning at any grade level as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.
- Include service learning as part of any course or activity required for high school graduation.
- Accept service-learning activities and hours in requirements for academic awards, especially those that currently include community service as a criterion or selection factor.

For districts choosing to participate in the program, service-learning lesson plans, profiles of effective service-learning projects, and lists of standards for elementary, middle, and high schools, and other materials are available from the Florida Learn & Serve Program at no cost and may be downloaded on the website.<sup>13</sup>

The hours that high school students devote to course-based service-learning activities may count toward high school graduation community service requirements and the community service requirements of the Florida Bright Futures Scholarship Program. Thus, more students may have the opportunity to meet the community service requirements for high school graduation and the Florida Academic Scholars award under the Florida Bright Futures Scholarship Program.

## B. SECTION DIRECTORY:

**Section 1.** Creates s. 1003.497, F.S., relating to service learning in the public school system; requiring the Department of Education to encourage districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies; defining service learning; requiring the department to provide assistance to districts; requiring development and adoption of course programs; authorizing service-learning activities to count toward high school graduation or academic awards requirements; and encouraging districts to include service learning as part of courses or activities required for high school graduation or the receipt of academic awards under the Florida Bright Futures Scholarship Program.

**Section 2.** Provides for an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill appears to have no fiscal impact on state government revenues.

#### 2. Expenditures:

The bill appears to have no fiscal impact on state government expenditures.

<sup>13</sup> <http://www.fsu.edu/~flserve/index.html> Standards for Service Learning in Florida: Florida Department of Education, 2009.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill appears to have no fiscal impact on local government revenues.

2. Expenditures:

The bill appears to have no fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The DOE is required to develop and adopt elective service-learning courses for middle and high school course code directories. The Course Code Directory System Guide has no language related specifically to service learning. Many courses include experiential or applied components and two high school courses, Voluntary Public Service and Voluntary School/Community Service, have service learning as part of their curriculum. There are numerous courses that could have service learning included with minor adjustments or additions to their course descriptions.<sup>14</sup>

Funds from the Florida Learn & Serve Program have been used to pay for the creation of draft templates for the high school service-learning courses.<sup>15</sup>

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

N/A

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<sup>14</sup> Florida Department of Education. Analysis for HB 157 on Service-Learning in the Public School System for the 2009 Legislative Session.

<sup>15</sup> *Id.*



1                                   A bill to be entitled  
 2           An act relating to service learning in the public school  
 3           system; creating s. 1003.497, F.S.; requiring the  
 4           Department of Education to encourage school districts to  
 5           initiate, adopt, expand, and institutionalize service-  
 6           learning programs, activities, and policies in  
 7           kindergarten through grade 12; defining service learning;  
 8           providing for department assistance to a school district  
 9           that elects to implement service-learning activities;  
 10          requiring development and adoption of service-learning  
 11          courses; authorizing service-learning activities to count  
 12          toward high school graduation or academic award  
 13          requirements; encouraging school districts to include  
 14          service learning as part of courses or activities required  
 15          for high school graduation or receipt of academic awards;  
 16          providing an effective date.

17

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

19

20           Section 1. Section 1003.497, Florida Statutes, is created  
 21 to read:

22           1003.497 Service learning.--

23           (1) The Department of Education shall encourage school  
 24 districts to initiate, adopt, expand, and institutionalize  
 25 service-learning programs, activities, and policies in  
 26 kindergarten through grade 12. Service learning refers to a  
 27 student-centered, research-based teaching and learning strategy  
 28 that engages students in meaningful service activities in their

29 schools or communities. Service-learning activities are directly  
 30 tied to academic curricula, standards, and course, district, or  
 31 state assessments. Service-learning activities foster academic  
 32 achievement, character development, civic engagement, and career  
 33 exploration and enable students to apply curriculum content,  
 34 skills, and behaviors taught in the classroom.

35 (2) Upon request of any school district that elects to  
 36 implement service-learning programs, activities, or policies,  
 37 the department shall provide assistance in locating, leveraging,  
 38 and utilizing available or alternative financial resources that  
 39 will assist school districts or teachers desiring to receive  
 40 training and other resources to develop and administer service-  
 41 learning programs or activities. School districts are encouraged  
 42 to include kindergarten through grade 12 service-learning  
 43 programs and activities in proposals they submit to the  
 44 department under federal entitlement grants and competitive  
 45 state and federal grants administered through the department.

46 (3) (a) The department shall develop and adopt elective  
 47 service-learning courses for inclusion in middle and high school  
 48 course code directories, which will allow additional  
 49 opportunities for students to engage in service learning. School  
 50 districts are encouraged to provide support for the use of  
 51 service learning at any grade level as an instructional strategy  
 52 to address appropriate areas of state education standards for  
 53 student knowledge and performance.

54 (b) The hours that high school students devote to course-  
 55 based service-learning activities may be counted toward meeting  
 56 community service requirements for high school graduation and

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57 | community service requirements for participation in the Florida  
58 | Bright Futures Scholarship Program. School districts are  
59 | encouraged to include service learning as part of any course or  
60 | activity required for high school graduation and to include and  
61 | accept service-learning activities and hours in requirements for  
62 | academic awards, especially those awards that currently include  
63 | community service as a criterion or selection factor.

64 | Section 2. This act shall take effect July 1, 2009.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCS for 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		Brock	Ahearn
1)	Education Policy Council			
2)	PreK-12 Appropriations Committee			
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

**SUMMARY ANALYSIS**

The Proposed Committee Substitute (PCS) 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 PCS 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 PCS 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 PCS 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 PCS 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.)

## 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.<sup>1</sup> 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.<sup>2</sup> The academic content standards are required to:

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

Florida's NCLB state accountability plan states that the *Sunshine State Standards* serve as the state's academic content standards.<sup>5</sup> 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.<sup>6</sup> Florida's NCLB state plan uses the Florida Comprehensive Assessment Test (FCAT) as its academic assessment for purposes of the NCLB act.<sup>7</sup>

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<sup>1</sup> *No Child Left Behind Act of 2001*, Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002), available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107\\_cong\\_public\\_laws&docid=f:publ110.107.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ110.107.pdf).

<sup>2</sup> 20 U.S.C. § 6311(b)(1)(A) & (B).

<sup>3</sup> 20 U.S.C. § 6311(b)(1)(C).

<sup>4</sup> 20 U.S.C. § 6311(b)(1)(D)(i).

<sup>5</sup> 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> [hereinafter *NCLB State Plan*]; see §§ 1000.21(7) & 1003.41, F.S.; see also Sunshine State Standards Fact Sheet.

<sup>6</sup> 20 U.S.C. § 6311(b)(3)(A).

<sup>7</sup> 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.<sup>8</sup>

### 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.<sup>9</sup> 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 and 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*.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup> Students take the FCAT Science test in grades 5, 8, and 11.<sup>13</sup>

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:<sup>14</sup>

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).<sup>15</sup> 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

<sup>8</sup> Section 1003.41 (1), F.S.

<sup>9</sup> Sections 1003.428, 1003.429, & 1003.43., F.S.

<sup>10</sup> Section 1008.22(3), F.S.

<sup>11</sup> 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>.

<sup>12</sup> Section 1008.22(3)(c), F.S.

<sup>13</sup> Rule 6A-1.09422(3)(a), F.A.C.

<sup>14</sup> Rule 6A-1.09422(5)(c), F.A.C.

<sup>15</sup> 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.<sup>16</sup>

## 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 25<sup>th</sup> percentile of students in the school in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance.<sup>17</sup>

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 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup>

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

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<sup>16</sup> Department of Education Bill Analysis on House Bill 543, February 9, 2009, page 2.

<sup>17</sup> Section 1008.34(3)(b)1., F.S.

<sup>18</sup> Section 1008.34(3)(b)2., F.S.

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

<sup>20</sup> Rule 6A-1.09981(8), (a), F.A.C.



## **Effect of Proposed Changes:**

### **High School Graduation Requirements**

The proposed 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 proposed 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 proposed 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.<sup>21</sup>

## High School Grades

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

#### 2. Expenditures:

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

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

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

#### 2. Expenditures:

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

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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<sup>21</sup> Department of Education Bill Analysis on House Bill 543, February 27, 2009, page 2.

#### 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 current 2008-2009 enrollment in Biology I (109,026 students). 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.<sup>22</sup>

### 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.<sup>23</sup>

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

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

<sup>23</sup> Section 1001.02(1), F.S.

1                                   A bill to be entitled  
 2           An act relating to high school science assessment;  
 3           amending s. 1003.428, F.S.; beginning in the 2010-2011  
 4           school year, requiring students entering grade 9 to  
 5           earn one credit in Biology I or a series of equivalent  
 6           courses in order to graduate; amending s. 1003.429,  
 7           F.S.; beginning in the 2010-2011 school year,  
 8           requiring students in the accelerated high school  
 9           graduation program to earn one credit in Biology I or  
 10          a series of equivalent courses in order to graduate;  
 11          amending s. 1008.22, F.S.; removing the requirement  
 12          for the administration of a comprehensive assessment  
 13          of science at the high school level beginning in the  
 14          2011-2012 school year; requiring the administration of  
 15          an end-of-course assessment in biology or equivalent  
 16          courses at the high school level beginning with the  
 17          2010-2011 school year; amending s. 1008.34, F.S.;  
 18          providing for the inclusion of the biology end-of-  
 19          course assessment data in determining school grades  
 20          beginning 2011-2012; providing an effective date.

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

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

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28 (1) Except as otherwise authorized pursuant to s.  
29 1003.429, beginning with students entering grade 9 ~~their first~~  
30 ~~year of high school~~ in the 2007-2008 school year, graduation  
31 requires the successful completion of a minimum of 24 credits,  
32 an International Baccalaureate curriculum, or an Advanced  
33 International Certificate of Education curriculum. Students must  
34 be advised of eligibility requirements for state scholarship  
35 programs and postsecondary admissions.

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

39 (a) Sixteen core curriculum credits:

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

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

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

53 (b) Eight credits in majors, minors, or electives:

54 1. Four credits in a major area of interest, such as  
55 sequential courses in a career and technical program, fine and

56 performing arts, or academic content area, selected by the  
 57 student as part of the education plan required by s. 1003.4156.  
 58 Students may revise major areas of interest each year as part of  
 59 annual course registration processes and should update their  
 60 education plan to reflect such revisions. Annually by October 1,  
 61 the district school board shall approve major areas of interest  
 62 and submit the list of majors to the Commissioner of Education  
 63 for approval. Each major area of interest shall be deemed  
 64 approved unless specifically rejected by the commissioner within  
 65 60 days. Upon approval, each district's major areas of interest  
 66 shall be available for use by all school districts and shall be  
 67 posted on the department's website.

68 2. Four credits in elective courses selected by the  
 69 student as part of the education plan required by s. 1003.4156.  
 70 These credits may be combined to allow for a second major area  
 71 of interest pursuant to subparagraph 1., a minor area of  
 72 interest, elective courses, or intensive reading or mathematics  
 73 intervention courses as described in this subparagraph.

74 a. Minor areas of interest are composed of three credits  
 75 selected by the student as part of the education plan required  
 76 by s. 1003.4156 and approved by the district school board.

77 b. Elective courses are selected by the student in order  
 78 to pursue a complete education program as described in s.  
 79 1001.41(3) and to meet eligibility requirements for  
 80 scholarships.

81 c. For each year in which a student scores at Level 1 on  
 82 FCAT Reading, the student must be enrolled in and complete an  
 83 intensive reading course the following year. Placement of Level

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84 | 2 readers in either an intensive reading course or a content  
 85 | area course in which reading strategies are delivered shall be  
 86 | determined by diagnosis of reading needs. The department shall  
 87 | provide guidance on appropriate strategies for diagnosing and  
 88 | meeting the varying instructional needs of students reading  
 89 | below grade level. Reading courses shall be designed and offered  
 90 | pursuant to the comprehensive reading plan required by s.  
 91 | 1011.62(9).

92 |         d. For each year in which a student scores at Level 1 or  
 93 | Level 2 on FCAT Mathematics, the student must receive  
 94 | remediation the following year. These courses may be taught  
 95 | through applied, integrated, or combined courses and are subject  
 96 | to approval by the department for inclusion in the Course Code  
 97 | Directory.

98 |         Section 2. Subsection (1) of section 1003.429, Florida  
 99 | Statutes, is amended to read:

100 |         1003.429 Accelerated high school graduation options.--

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

105 |             (a) Completion of the general requirements for high school  
 106 | graduation pursuant to s. 1003.43;

107 |             (b) Completion of a 3-year standard college preparatory  
 108 | program requiring successful completion of a minimum of 18  
 109 | academic credits in grades 9 through 12. At least 6 of the 18  
 110 | credits required for completion of this program must be received  
 111 | in classes that are offered pursuant to the International

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112 Baccalaureate Program, the Advanced Placement Program, dual  
113 enrollment, Advanced International Certificate of Education, or  
114 specifically listed or identified by the Department of Education  
115 as rigorous pursuant to s. 1009.531(3). The 18 credits required  
116 for completion of this program shall be primary requirements and  
117 shall be distributed as follows:

118 1. Four credits in English, with major concentration in  
119 composition and literature;

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

123 3. Three credits in natural science, two of which must  
124 have a laboratory component. Beginning with students entering  
125 grade 9 in the 2010-2011 school year, one of the three credits  
126 in science must be Biology I or a series of courses that have  
127 been approved by the State Board of Education as equivalent to  
128 Biology I;

129 4. Three credits in social sciences, which must include  
130 one credit in American history, one credit in world history,  
131 one-half credit in American government, and one-half credit in  
132 economics;

133 5. Two credits in the same second language unless the  
134 student is a native speaker of or can otherwise demonstrate  
135 competency in a language other than English. If the student  
136 demonstrates competency in another language, the student may  
137 replace the language requirement with two credits in other  
138 academic courses; and

139 6. Three credits in electives; or



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

144 1. Four credits in English, with major concentration in  
 145 composition and literature;

146 2. Three credits in mathematics, one of which must be  
 147 Algebra I;

148 3. Three credits in natural science, two of which must  
 149 have a laboratory component. Beginning with students entering  
 150 grade 9 in the 2010-2011 school year, one of the three credits  
 151 in science must be Biology I or a series of courses that have  
 152 been approved by the State Board of Education as equivalent to  
 153 Biology I;

154 4. Three credits in social sciences, which must include  
 155 one credit in American history, one credit in world history,  
 156 one-half credit in American government, and one-half credit in  
 157 economics;

158 5. Three credits in a single vocational or career  
 159 education program, three credits in career and technical  
 160 certificate dual enrollment courses, or five credits in  
 161 vocational or career education courses; and

162 6. Two credits in electives unless five credits are earned  
 163 pursuant to subparagraph 5.

164 Section 3. Paragraph(c) of subsection (3) of section  
 165 1008.22, Florida Statutes, is amended to read:

166 1008.22 Student assessment program for public schools.

167 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 168 design and implement a statewide program of educational  
 169 assessment that provides information for the improvement of the  
 170 operation and management of the public schools, including  
 171 schools operating for the purpose of providing educational  
 172 services to youth in Department of Juvenile Justice programs.  
 173 The commissioner may enter into contracts for the continued  
 174 administration of the assessment, testing, and evaluation  
 175 programs authorized and funded by the Legislature. Contracts may  
 176 be initiated in 1 fiscal year and continue into the next and may  
 177 be paid from the appropriations of either or both fiscal years.  
 178 The commissioner is authorized to negotiate for the sale or  
 179 lease of tests, scoring protocols, test scoring services, and  
 180 related materials developed pursuant to law. Pursuant to the  
 181 statewide assessment program, the commissioner shall:

182 (c) Develop and implement a student achievement testing  
 183 program known as the Florida Comprehensive Assessment Test  
 184 (FCAT) as part of the statewide assessment program to measure a  
 185 student's content knowledge and skills in reading, writing,  
 186 science, and mathematics. Other content areas may be included as  
 187 directed by the commissioner. Comprehensive assessments of  
 188 reading and mathematics shall be administered annually in grades  
 189 3 through 10. Comprehensive assessments of writing ~~and science~~  
 190 shall be administered at least once at the elementary, middle,  
 191 and high school levels. Comprehensive assessments of science  
 192 shall be administered at least once at the elementary, middle,  
 193 and high school levels. Beginning with the 2010-2011 school  
 194 year, an end-of-course assessment in biology shall be

195 administered as a field test at the high school level. For the  
 196 2011-2012 school year, each student's performance on the end-of-  
 197 course assessment shall constitute 30 percent of the student's  
 198 final course grade. Beginning in 2011-2012 the end-of-course  
 199 assessment in biology shall replace the comprehensive assessment  
 200 of science given at the high school level. Beginning in the  
 201 2012-2013 school year, students must earn a passing score on the  
 202 end-of-course assessment in biology in order to pass the course  
 203 and receive course credit. End-of-course assessments for a  
 204 subject may be administered in addition to the comprehensive  
 205 assessments required for that subject under this paragraph. An  
 206 end-of-course assessment must be rigorous, statewide,  
 207 standardized, and developed or approved by the department. The  
 208 content knowledge and skills assessed by comprehensive and end-  
 209 of-course assessments must be aligned to the core curricular  
 210 content established in the Sunshine State Standards. The  
 211 commissioner may select one or more nationally developed  
 212 comprehensive examinations, which may include, but need not be  
 213 limited to, examinations for a College Board Advanced Placement  
 214 course, International Baccalaureate course, or Advanced  
 215 International Certificate of Education course or industry-  
 216 approved examinations to earn national industry certifications  
 217 as defined in s. 1003.492, for use as end-of-course assessments  
 218 under this paragraph, if the commissioner determines that the  
 219 content knowledge and skills assessed by the examinations meet  
 220 or exceed the grade level expectations for the core curricular  
 221 content established for the course in the Next Generation  
 222 Sunshine State Standards. The commissioner may collaborate with

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223 the American Diploma Project in the adoption or development of  
224 rigorous end-of-course assessments that are aligned to the Next  
225 Generation Sunshine State Standards. The testing program must be  
226 designed as follows:

227 1. The tests shall measure student skills and competencies  
228 adopted by the State Board of Education as specified in  
229 paragraph (a). The tests must measure and report student  
230 proficiency levels of all students assessed in reading, writing,  
231 mathematics, and science. The commissioner shall provide for the  
232 tests to be developed or obtained, as appropriate, through  
233 contracts and project agreements with private vendors, public  
234 vendors, public agencies, postsecondary educational  
235 institutions, or school districts. The commissioner shall obtain  
236 input with respect to the design and implementation of the  
237 testing program from state educators, assistive technology  
238 experts, and the public.

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

244 3. Beginning with the 2008-2009 school year, the  
245 commissioner shall discontinue administration of the selected-  
246 response test items on the comprehensive assessments of writing.  
247 Beginning with the 2012-2013 school year, the comprehensive  
248 assessments of writing shall be composed of a combination of  
249 selected-response test items, short-response performance tasks,  
250 and extended-response performance tasks, which shall measure a

251 student's content knowledge of writing, including, but not  
 252 limited to, paragraph and sentence structure, sentence  
 253 construction, grammar and usage, punctuation, capitalization,  
 254 spelling, parts of speech, verb tense, irregular verbs, subject-  
 255 verb agreement, and noun-pronoun agreement.

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

260 5. Except as provided in s. 1003.428(8)(b) or s.  
 261 1003.43(11)(b), students must earn a passing score on the grade  
 262 10 assessment test described in this paragraph or attain  
 263 concordant scores as described in subsection (10) in reading,  
 264 writing, and mathematics to qualify for a standard high school  
 265 diploma. The State Board of Education shall designate a passing  
 266 score for each part of the grade 10 assessment test and the end-  
 267 of-course assessment in biology. In establishing passing scores,  
 268 the state board shall consider any possible negative impact of  
 269 the test on minority students. The State Board of Education  
 270 shall adopt rules which specify the passing scores for each part  
 271 of the grade 10 assessment test and the end-of-course assessment  
 272 in biology ~~the grade 10 FCAT~~. Any such rules, which have the  
 273 effect of raising the required passing scores, shall apply only  
 274 to students taking the assessment ~~grade 10 FCAT~~ for the first  
 275 time after such rules are adopted by the State Board of  
 276 Education.

277 6. Participation in the testing program is mandatory for  
 278 all students attending public school, including students served

279 in Department of Juvenile Justice programs, except as otherwise  
 280 prescribed by the commissioner. If a student does not  
 281 participate in the statewide assessment, the district must  
 282 notify the student's parent and provide the parent with  
 283 information regarding the implications of such nonparticipation.  
 284 A parent must provide signed consent for a student to receive  
 285 classroom instructional accommodations that would not be  
 286 available or permitted on the statewide assessments and must  
 287 acknowledge in writing that he or she understands the  
 288 implications of such instructional accommodations. The State  
 289 Board of Education shall adopt rules, based upon recommendations  
 290 of the commissioner, for the provision of test accommodations  
 291 for students in exceptional education programs and for students  
 292 who have limited English proficiency. Accommodations that negate  
 293 the validity of a statewide assessment are not allowable in the  
 294 administration of the FCAT. However, instructional  
 295 accommodations are allowable in the classroom if included in a  
 296 student's individual education plan. Students using  
 297 instructional accommodations in the classroom that are not  
 298 allowable as accommodations on the FCAT may have the FCAT  
 299 requirement waived pursuant to the requirements of s.  
 300 1003.428(8)(b) or s. 1003.43(11)(b).

301 7. A student seeking an adult high school diploma must  
 302 meet the same testing requirements that a regular high school  
 303 student must meet.

304 8. District school boards must provide instruction to  
 305 prepare students to demonstrate proficiency in the core  
 306 curricular content established in the Next Generation Sunshine

307 State Standards adopted under s. 1003.41, including the core  
 308 content knowledge and skills necessary for successful grade-to-  
 309 grade progression and high school graduation. If a student is  
 310 provided with instructional accommodations in the classroom that  
 311 are not allowable as accommodations in the statewide assessment  
 312 program, as described in the test manuals, the district must  
 313 inform the parent in writing and must provide the parent with  
 314 information regarding the impact on the student's ability to  
 315 meet expected proficiency levels in reading, writing, and  
 316 mathematics. The commissioner shall conduct studies as necessary  
 317 to verify that the required core curricular content is part of  
 318 the district instructional programs.

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

323 10. The Department of Education must develop, or select,  
 324 and implement a common battery of assessment tools that will be  
 325 used in all juvenile justice programs in the state. These tools  
 326 must accurately measure the core curricular content established  
 327 in the Sunshine State Standards.

328 11. For students seeking a special diploma pursuant to s.  
 329 1003.438, the Department of Education must develop or select and  
 330 implement an alternate assessment tool that accurately measures  
 331 the core curricular content established in the Sunshine State  
 332 Standards for students with disabilities under s. 1003.438.

333 12. The Commissioner of Education shall establish  
 334 schedules for the administration of statewide assessments and

335 the reporting of student test results. The commissioner shall,  
 336 by August 1 of each year, notify each school district in writing  
 337 and publish on the department's Internet website the testing and  
 338 reporting schedules for, at a minimum, the school year following  
 339 the upcoming school year. The testing and reporting schedules  
 340 shall require that:

341 a. There is the latest possible administration of  
 342 statewide assessments and the earliest possible reporting to the  
 343 school districts of student test results which is feasible  
 344 within available technology and specific appropriations;  
 345 however, test results must be made available no later than the  
 346 final day of the regular school year for students.

347 b. Beginning with the 2010-2011 school year, a  
 348 comprehensive statewide assessment of writing is not  
 349 administered earlier than the week of March 1 and a  
 350 comprehensive statewide assessment of any other subject is not  
 351 administered earlier than the week of April 15.

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

354

355 The commissioner may, based on collaboration and input from  
 356 school districts, design and implement student testing programs,  
 357 for any grade level and subject area, necessary to effectively  
 358 monitor educational achievement in the state, including the  
 359 measurement of educational achievement of the Sunshine State  
 360 Standards for students with disabilities. Development and  
 361 refinement of assessments shall include universal design  
 362 principles and accessibility standards that will prevent any



363 unintended obstacles for students with disabilities while  
 364 ensuring the validity and reliability of the test. These  
 365 principles should be applicable to all technology platforms and  
 366 assistive devices available for the assessments. The field  
 367 testing process and psychometric analyses for the statewide  
 368 assessment program must include an appropriate percentage of  
 369 students with disabilities and an evaluation or determination of  
 370 the effect of test items on such students.

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

373 1008.34. School grading system; school report cards;  
 374 district grade.

375 (3) DESIGNATION OF SCHOOL GRADES.--

376 (b)1. A school's grade shall be based on a combination of:

377 a. Student achievement scores, including achievement  
 378 scores for students seeking a special diploma.

379 b. Student learning gains as measured by annual FCAT  
 380 assessments in grades 3 through 10; learning gains for students  
 381 seeking a special diploma, as measured by an alternate  
 382 assessment tool, shall be included not later than the 2009-2010  
 383 school year.

384 c. Improvement of the lowest 25th percentile of students  
 385 in the school in reading, mathematics, or writing on the FCAT,  
 386 unless these students are exhibiting satisfactory performance.

387 2. Beginning with the 2009-2010 school year for schools  
 388 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 389 11, and 12, 50 percent of the school grade shall be based on a

390 combination of the factors listed in sub-subparagraphs 1.a.-c.  
 391 and the remaining 50 percent on the following factors:  
 392       a. The high school graduation rate of the school;  
 393       b. As valid data becomes available, the performance and  
 394 participation of the school's students in College Board Advanced  
 395 Placement courses, International Baccalaureate courses, dual  
 396 enrollment courses, and Advanced International Certificate of  
 397 Education courses; and the students' achievement of industry  
 398 certification, as determined by the Agency for Workforce  
 399 Innovation under s. 1003.492(2) in a career and professional  
 400 academy, as described in s. 1003.493;  
 401       c. Postsecondary readiness of the school's students as  
 402 measured by the SAT, ACT, or the common placement test;  
 403       d. The high school graduation rate of at-risk students who  
 404 scored at Level 2 or lower on the grade 8 FCAT Reading and  
 405 Mathematics examinations;  
 406       e. As valid data becomes available, the performance of the  
 407 school's students on statewide standardized end-of-course  
 408 assessments not required for graduation, which are administered  
 409 under s. 1008.22; and  
 410       f. The growth or decline in the components listed in sub-  
 411 subparagraphs a.-e. from year to year.  
 412       (c) Student assessment data used in determining school  
 413 grades shall include:  
 414           1. The aggregate scores of all eligible students enrolled  
 415 in the school who have been assessed on the FCAT and statewide  
 416 standardized end-of-course assessments required for graduation

417 including, beginning in 2011-2012, the biology end-of-course  
 418 assessment.

419 2. The aggregate scores of all eligible students enrolled  
 420 in the school who have been assessed on the FCAT and who have  
 421 scored at or in the lowest 25th percentile of students in the  
 422 school in reading, mathematics, or writing, unless these  
 423 students are exhibiting satisfactory performance.

424 3. Effective with the 2005-2006 school year, the  
 425 achievement scores and learning gains of eligible students  
 426 attending alternative schools that provide dropout prevention  
 427 and academic intervention services pursuant to s. 1003.53. The  
 428 term "eligible students" in this subparagraph does not include  
 429 students attending an alternative school who are subject to  
 430 district school board policies for expulsion for repeated or  
 431 serious offenses, who are in dropout retrieval programs serving  
 432 students who have officially been designated as dropouts, or who  
 433 are in programs operated or contracted by the Department of  
 434 Juvenile Justice. The student performance data for eligible  
 435 students identified in this subparagraph shall be included in  
 436 the calculation of the home school's grade. As used in this  
 437 section and s. 1008.341, the term "home school" means the school  
 438 to which the student would be assigned if the student were not  
 439 assigned to an alternative school. If an alternative school  
 440 chooses to be graded under this section, student performance  
 441 data for eligible students identified in this subparagraph shall  
 442 not be included in the home school's grade but shall be included  
 443 only in the calculation of the alternative school's grade. A  
 444 school district that fails to assign the FCAT scores of each of

445 its students to his or her home school or to the alternative  
 446 school that receives a grade shall forfeit Florida School  
 447 Recognition Program funds for 1 fiscal year. School districts  
 448 must require collaboration between the home school and the  
 449 alternative school in order to promote student success. This  
 450 collaboration must include an annual discussion between the  
 451 principal of the alternative school and the principal of each  
 452 student's home school concerning the most appropriate school  
 453 assignment of the student.

454 4. Beginning with the 2009-2010 school year for schools  
 455 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 456 11, and 12, the data listed in subparagraphs 1.-3. and the  
 457 following data as the Department of Education determines such  
 458 data are valid and available:

459 a. The high school graduation rate of the school as  
 460 calculated by the Department of Education;

461 b. The participation rate of all eligible students  
 462 enrolled in the school and enrolled in College Board Advanced  
 463 Placement courses; International Baccalaureate courses; dual  
 464 enrollment courses; Advanced International Certificate of  
 465 Education courses; and courses or sequence of courses leading to  
 466 industry certification, as determined by the Agency for  
 467 Workforce Innovation under s. 1003.492(2) in a career and  
 468 professional academy, as described in s. 1003.493;

469 c. The aggregate scores of all eligible students enrolled  
 470 in the school in College Board Advanced Placement courses,  
 471 International Baccalaureate courses, and Advanced International  
 472 Certificate of Education courses;

473 d. Earning of college credit by all eligible students  
 474 enrolled in the school in dual enrollment programs under s.  
 475 1007.271;

476 e. Earning of an industry certification, as determined by  
 477 the Agency for Workforce Innovation under s. 1003.492(2) in a  
 478 career and professional academy, as described in s. 1003.493;

479 f. The aggregate scores of all eligible students enrolled  
 480 in the school in reading, mathematics, and other subjects as  
 481 measured by the SAT, the ACT, and the common placement test for  
 482 postsecondary readiness;

483 g. The high school graduation rate of all eligible at-risk  
 484 students enrolled in the school who scored at Level 2 or lower  
 485 on the grade 8 FCAT Reading and Mathematics examinations;

486 h. The performance of the school's students on statewide  
 487 standardized end-of-course assessments administered under s.  
 488 1008.22; and

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

491  
 492 The State Board of Education shall adopt appropriate criteria  
 493 for each school grade. The criteria must also give added weight  
 494 to student achievement in reading. Schools designated with a  
 495 grade of "C," making satisfactory progress, shall be required to  
 496 demonstrate that adequate progress has been made by students in  
 497 the school who are in the lowest 25th percentile in reading,  
 498 mathematics, or writing on the FCAT, unless these students are  
 499 exhibiting satisfactory performance. Beginning with the 2009-  
 500 2010 school year for schools comprised of high school grades 9,

PCS for HB 543

ORIGINAL

2009

501 | 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
 502 | school grades must also give added weight to the graduation rate  
 503 | of all eligible at-risk students, as defined in this paragraph.  
 504 | Beginning in the 2009-2010 school year, in order for a high  
 505 | school to be designated as having a grade of "A," making  
 506 | excellent progress, the school must demonstrate that at-risk  
 507 | students, as defined in this paragraph, in the school are making  
 508 | adequate progress.

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



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** 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		Duncan <i>add</i>	Ahearn <i>[Signature]</i>
2)	Education Policy Council			
3)	PreK-12 Appropriations Committee			
4)	Full Appropriations Council on Education & Economic Development			
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.

HB 835 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 bill 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."<sup>1</sup> Gifted students are classified as exceptional students<sup>2</sup> 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 recommending 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.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

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<sup>1</sup> Rule 6A-6.03019, F.A.C.

<sup>2</sup> s. 1003.01(3), F.S.

<sup>3</sup> <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.

<sup>4</sup> *Id.*

<sup>5</sup> *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,<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> As of January 2008, 53 of 67 Florida school districts have an approved alternative identification plan for determining gifted eligibility.<sup>9</sup> 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.<sup>10</sup>

### *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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup>

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

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<sup>6</sup> 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.

<sup>7</sup> Rule 6A-6.03019, F.A.C.

<sup>8</sup> *Id.*

<sup>9</sup> <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.

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

<sup>11</sup> Rule 6A-6.030191, F.A.C.

<sup>12</sup> s. 1003.57(1)(d), F.S.

<sup>13</sup> 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>.

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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.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> Currently, state-approved teacher preparation programs do not require instruction related to gifted identification and programming.<sup>19</sup>

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.<sup>20</sup>

### *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).<sup>21</sup>

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

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<sup>14</sup> s. 1003.57(1), F.S.

<sup>15</sup> [http://www.fldoe.org/ESE/pdf/gift\\_accel.pdf](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).

<sup>16</sup> <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.

<sup>17</sup> s. 1007.27, F.S., s. 1007.271, F.S., and s. 1007.272, F.S.

<sup>18</sup> s. 1004.04(2), F.S.

<sup>19</sup> Rule 6A-5.066, F.A.C.

<sup>20</sup> Rule 6A-4.01791, F.A.C.

<sup>21</sup> s. 1011.62((1)(e)), F.S.

million in 2006-2007.<sup>22</sup> 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.<sup>23</sup>

In 2008, the Legislature appropriated \$1,056,618,468 for the ESE Guaranteed Allocation for the 2008-2009 school year.<sup>24</sup> Approximately \$124,431,745 of the ESE Guaranteed Allocation is for gifted. The total FEFP funds for gifted, including the ESE Guaranteed Allocation, are approximately \$894,765,816.<sup>25</sup>

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

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.<sup>27</sup>

## **Effect of Proposed Changes**

### *Parental Notice and District Reporting*

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

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<sup>22</sup> <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.

<sup>23</sup> s. 1011.62(1)(e), F.S.

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

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

<sup>26</sup> s. 1011.60(1), F.S.

<sup>27</sup> s. 1010.20, F.S.

- The number of, and performance data for, students who were accelerated one or more whole grades.
- 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 bill 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 bill 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 bill 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. The task force is assigned to the DOE for administrative purposes. Members of the task force are entitled to per diem and travel expenses 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,<sup>28</sup> 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.

<sup>28</sup> 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 bill 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 guaranteed allocation expenditures to be reported separately.

**Section 5:** Creates the Gifted and Academically Talented Task Force within the DOE; designating members; providing for per diem and travel expenses; 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:

The DOE estimates that it will cost \$4,847 per meeting for a seven-member task force.<sup>29</sup> This amount assumes that all seven members of the task force will have travel expenses from Tallahassee to attend meetings in Orlando.

The sponsor has filed an amendment deleting the provision in the bill authorizing task force members to receive per diem and travel expenses and inserting a provision requiring that all task force meetings be conducted by teleconference.

### 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 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.<sup>30</sup>

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

<sup>29</sup> *Id.*

<sup>30</sup> Florida Department of Education. Analysis of HB 835, March 5, 2009.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

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 bill 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

N/A



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

29  
30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 1003.572, Florida Statutes, is created  
33 to read:

34 1003.572 Gifted student education.--

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

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

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

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

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

51 a. Separately identify gifted student education services  
52 that provide: direct instruction to a class consisting only of  
53 gifted students; differentiated instruction for gifted students  
54 within a class that also includes students who are not gifted;  
55 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.

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

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



224 following:

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

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

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

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

241 2. One or more recommended screening instruments.

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

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

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

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

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

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

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

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

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 Policy Committee  
2 Representative Legg offered the following:

3  
4       **Amendment (with title amendment)**

5       Remove lines 211-215 and insert:  
6       task force by November 1, 2009. All meetings shall be conducted  
7       by teleconference.

8       (3) The task force is assigned to the Department of  
9       Education for administrative purposes. Members of the task force  
10       are not entitled to compensation. Members

11  
12  
13 -----  
14                                   **T I T L E   A M E N D M E N T**

15       Remove lines 24-25 and insert:  
16       department; designating members; requiring meetings by  
17       teleconference; requiring the task force to submit a





## 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:

##### **Present Situation**

##### *Constitutional Requirement*

In November 2002, voters approved the constitutional Class Size Reduction Amendment.<sup>1</sup> The amendment requires the Legislature to provide for: (1) a sufficient number of classrooms by the beginning of the 2010 school year so that no more than a specified maximum number of students be assigned to each teacher; and (2) the reduction of the average number of students in each classroom by at least two per year until the number of students per classroom does not exceed the maximum allowed.

The maximum number of students that can be assigned to each teacher is as follows:

- Prekindergarten through grade 3, 18 students;
- Grades 4 through 8, 22 students; and
- Grades 9 through 12, 25 students.<sup>2</sup>

The class-size requirements do not apply to extracurricular classes.

##### *Implementation*

In 2003, the Legislature provided for the implementation of the class size amendment. The law clarifies that the class size reduction requirement applies to the maximum number of students in core-curricula courses.<sup>3</sup> The core curricula courses considered in the calculation of class size requirements are: language arts/reading, mathematics, science, social studies, foreign languages, grades K-5, exceptional student education, and English for speakers of other languages.<sup>4</sup>

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<sup>1</sup> Section 1, Article IX, Fla. Constitution.

<sup>2</sup> *Id.*

<sup>3</sup> s. 1003.03, F. S.

<sup>4</sup> <http://www.fldoe.org/ClassSize/pdf/csfaqfinal.pdf> Class Size Reduction in Florida's Public Schools, Questions and Answers, Florida Department of Education.

The schedule for implementation is as follows:

- For fiscal years 2003-2004 through 2005-2006, the calculation for compliance is the average at the *district level*.
- For fiscal years 2006-2007 through 2008-2009, the calculation for compliance is the average at the *school level*.
- For fiscal year 2009-2010 and thereafter, the calculation for compliance will be at the individual *classroom level*.

For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom is included in the calculation for compliance.<sup>5</sup>

School districts must consider, but are not limited to, implementing the following options in order to meet the required maximum constitutional class size and the required two student per year reduction:<sup>6</sup>

- Encourage qualified students to take dual enrollment courses.
- Encourage courses from the Florida Virtual School.
- Require no more than 24 credits to graduate from high school.
- Allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.
- Maximize use of instructional staff, such as modifying required teaching loads and planning periods and using certain district employees and adjunct professors.
- Use innovative methods to reduce school construction costs.
- Use joint-use facilities.
- Adopt alternative methods of class scheduling, such as block scheduling.
- Redraw school attendance zones to maximize use of facilities.
- Operate schools beyond the normal operating hours.
- Use year-round schools and other non-traditional calendars.
- Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.
- Use any other approach not prohibited by law.

### *Funding*

Class size reduction is funded through a categorical fund. Districts are authorized to use such funding for reduction of class size in any lawful manner if the district has not met reduction goals; or any lawful expenditure if reduction goals have been met, with priority to be given to increasing teacher salaries and implementing differentiated-pay provisions.<sup>7</sup> The Department of Education (DOE) provides the costs of implementing the class size reduction requirement for the period from 2003-2004 to 2008-2009 as follows:

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<sup>5</sup> s. 1003.03(2)(b), F.S.

<sup>6</sup> s. 1003.03(3), F.S.

<sup>7</sup> s. 1011.685, F.S.

Class Size Reduction Calculations							
K-12							
Total Operating and Capital Costs to Implement through 2008-09							
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	6 Yr Total
2003/04	468,198,634	468,198,634	468,198,634	468,198,634	468,198,634	468,198,634	2,809,191,804
2004/05		503,992,582	503,992,582	503,992,582	503,992,582	503,992,582	2,519,962,910
2005/06			535,008,480	535,008,480	535,008,480	535,008,480	2,140,033,920
2006/07				601,329,648	601,329,648	601,329,648	1,803,988,944
2007/08					532,190,386	532,190,386	1,064,380,772
2008/09						88,771,303	88,771,303
Operating Costs	468,198,634	972,191,216	1,507,199,696	2,108,529,344	2,640,719,730	2,729,491,033	<b>10,426,329,653</b>
FCO Costs	600,000,000	100,000,000	83,400,000	1,100,000,000	650,000,000	0	<b>2,533,400,000</b>
<b>TOTAL to Implement</b>	<b>1,068,198,634</b>	<b>1,072,191,216</b>	<b>1,590,599,696</b>	<b>3,208,529,344</b>	<b>3,290,719,730</b>	<b>2,729,491,033</b>	<b>12,959,729,653</b>

During this time, average class sizes have been reduced as follows:

District Average Class Size							
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Grades PK-3	23.07	20.54	18.98	18.16	17.01	16.28	15.97
Grades 4-8	24.16	22.43	21.3	20.48	19.45	18.76	18.61
Grades 9-12	24.1	24.06	23.65	22.96	22.22	21.39	21.32

### Compliance

Since fiscal year 2003-2004, the DOE has reviewed district compliance with class size reduction requirements. When the DOE determines that a district has not complied with the statutory requirements for that year, at the time of the third Florida Education Finance Program (FEFP) calculation, the DOE is required to calculate an amount from the district's class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished.<sup>8</sup>

That amount is transferred by the Executive Office of the Governor from the district's class size reduction operating categorical to the district's fixed capital outlay appropriation to be used to meet the class size reduction requirements. However, the Legislative Budget Commission may approve an alternate amount of funds to be transferred if the Commissioner of Education and the State Board of Education (SBE) determine that a district has been unable to meet class size reduction requirements despite appropriate efforts to do so.

Beginning in the 2005-2006 school year and each year thereafter, each district identified by the DOE as having not met the class size reduction requirements must be reported to the Legislature and must implement one of the following policies in the subsequent school year: (1) implementing year-round schools; (2) implementing double sessions; (3) rezoning; or (4) changing instructional staff loads and scheduling, deploying certified district employees to classrooms, or operating beyond normal school days and hours.<sup>9</sup>

<sup>8</sup> s. 1003.03(4)(a), F.S.

<sup>9</sup> s. 1003.03(4)(b), F.S.



Beginning in the 2006-2007 school year, the DOE, in addition to using statutory enforcement authority,<sup>10</sup> must develop a constitutional compliance plan for each noncompliant district, which must include rezoning for maximum use of space while minimizing additional transportation costs.<sup>11</sup>

*2008-2009 Compliance with Constitutional Class Size Maximums<sup>12</sup>*

The table below provides the number and percentage of *schools* over the constitutional class size maximums for each grade grouping for the 2008-2009 school year.

**The Number and Percent of Schools Over the Constitutional Class Size Requirement**

<b>Grade Groupings</b>	<b>PreK-3</b>	<b>4-8</b>	<b>9-12</b>
<b>Total Number of Schools</b>	2006	2560	722
<b>Total Number of Schools Over Cap</b>	26	12	4
<b>% Over Cap</b>	1.40%	0.47%	0.69%

The table below provides the number and percentage of *classrooms* in schools over the constitutional class size maximums for each grade grouping for the 2008-2009 school year.

**The Number and Percent of Classrooms Over the Constitutional Class Size Requirement**

<b>Grade Groupings</b>	<b>PreK-3</b>	<b>4-8</b>	<b>9-12</b>
<b>Total Number of Classrooms</b>	317,655	276,001	148,950
<b>Total Number of Classrooms Over Cap</b>	83,992	68,777	48,439
<b>% Over Cap</b>	26.44%	24.92%	32.52%

*Revision or Amendment to Florida's Constitution*

Amendments to Florida's Constitution can be proposed by five distinct methods: (1) joint legislative resolution, (2) the Constitutional Revision Commission, (3) citizen's initiative, (4) a constitutional convention, or (5) the Taxation and Budget Reform Commission.<sup>13</sup>

Amendments proposed by joint resolution must be agreed to by three-fifths of the membership of each house of the Legislature. The full text of the joint resolution and the vote of each member voting must be entered on the journal of each house. The proposed amendment must then be submitted to the electors at the next general election held more than ninety days after the joint resolution is filed with the custodian of state records.

If the joint resolution is passed in this session, the proposed amendment would be placed before the electorate at the 2010 general election, unless it is submitted at an earlier special election pursuant to a law enacted by affirmative vote of three-fourths of the membership of each chamber and limited to a single amendment or revision, pursuant to Article XI, Section 5.<sup>14</sup>

Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at

<sup>10</sup> s. 1008.32, F.S. The State Board of Education is required to oversee the performance of district school boards and community college boards of trustees in the enforcement of all laws and rules.

<sup>11</sup> s. 1003.03(4)(c), F.S.

<sup>12</sup> Florida Department of Education. Information presented to the PreK-12 Appropriations Committee, February 11, 2009.

<sup>13</sup> See Article XI, ss. 1-4 and 6, Fla. Constitution.

<sup>14</sup> See Article XI, s. 1, Fla. Constitution.

which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published.<sup>15</sup>

The Florida Constitution provides that if the proposed amendment or revision is approved by the vote of at least 60% of the electors, it is effective as an amendment to or revision of the Constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.<sup>16</sup>

### *Ballot Summary Requirement*

Regardless of the method of proposal, the full text of the proposed amendment is rarely placed on the ballot form; instead a ballot summary is provided. The ballot summary must be sufficient to provide fair notice of the contents and effect of the amendment.<sup>17</sup> Current law requires that whenever a constitutional amendment is submitted to the vote of the people, the substance of the amendment must be printed in clear and unambiguous language on the ballot. The wording of the substance of the amendment and the ballot title to appear on the ballot must be embodied in the joint resolution.<sup>18</sup>

### **Effect of Proposed Changes**

Currently, the constitution specifies the maximum number of students that can be assigned to each teacher in three grade groupings: prekindergarten through grade 3 (18 students), grades 4 through 8 (22 students), and grades 9 through 12 (25 students). The constitution requires the reduction of the average number of students in each classroom by at least two students per year until the number of students per classroom does not exceed the maximum allowed.

Beginning with the 2010-2011 school year, the joint resolution changes the way that class size compliance is calculated by: (1) using the *average* number of students *at the school level*, rather than the maximum number of students at the classroom level; and (2) allowing the number of students that could be assigned to each teacher in prekindergarten through grade 3 and grades 4 through 8 to increase:

- For prekindergarten through grade 3, the maximum number of students that could be assigned to each teacher in an individual classroom is raised from 18 to 21, *but the school level average cannot exceed 18 students.*
- For grades 4 through 8, the maximum number of students that could be assigned to each teacher in an individual classroom is raised from 22 to 27, *but the school level average cannot exceed 22 students.*
- For grades 9 through 12, the calculation method is limited to the average number of students at the school level, which cannot exceed 25 students.

The joint resolution clarifies the year by which full compliance is required. Currently, the constitution references "the beginning of the 2010 school year." The joint resolution states with greater specificity "the beginning of the 2010-2011 school year."

The joint resolution deletes obsolete language that required the Legislature, beginning 2003-2004, to fund class reductions by at least two students per year in order to meet the class size limits. That funding has already occurred.

The joint resolution contains a ballot summary required to notify the voters of the contents of the proposed amendment.

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<sup>15</sup> See Article XI, s. 5(d), Fla. Constitution.

<sup>16</sup> See Article XI, s. 5(e), Fla. Constitution.

<sup>17</sup> Federal & State Constitutional Law: A Guide for Legislative Staff, The Florida House of Representatives, Committee on Judiciary, 2003, at p. 172.

<sup>18</sup> s. 101.161, F.S.

Should this joint resolution be approved by the voters, the Florida Statutes would need to be amended to align with the modified class size requirements.

The revisions to the class size amendment will become effective upon the approval of the electors and will operate retroactively to the beginning of the 2010-2011 school year.

**B. SECTION DIRECTORY:**

The legislation is a joint resolution proposing a constitutional amendment and, therefore, does not contain bill sections. The joint resolution proposes to amend Section 1 of Article IX of the Florida Constitution relating to class size.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

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

2. Expenditures:

See FISCAL COMMENTS section.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The joint resolution should have a positive, but indeterminate, fiscal impact on state and school district expenditures since the provisions would allow some flexibility in meeting the class size requirements by calculating the average number of students at the school level, rather than the maximum number of students at the classroom level.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The joint resolution 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:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

N/A

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

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

That the following amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 2010:

ARTICLE IX  
EDUCATION

SECTION 1. Public education.--

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the

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29 legislature shall make adequate provision to ensure that, by the  
 30 beginning of the 2010-2011 ~~2010~~ school year and for each school  
 31 year thereafter, there are a sufficient number of classrooms so  
 32 that:

33 (1) The average ~~maximum~~ number of students at the school  
 34 level who are assigned to each teacher who is teaching in public  
 35 school classrooms for prekindergarten through grade 3 does not  
 36 exceed 18 students and the maximum number of students assigned  
 37 to each teacher in an individual classroom does not exceed 21  
 38 students;

39 (2) The average ~~maximum~~ number of students at the school  
 40 level who are assigned to each teacher who is teaching in public  
 41 school classrooms for grades 4 through 8 does not exceed 22  
 42 students and the maximum number of students assigned to each  
 43 teacher in an individual classroom does not exceed 27 students;  
 44 and

45 (3) The average ~~maximum~~ number of students at the school  
 46 level who are assigned to each teacher who is teaching in public  
 47 school classrooms for grades 9 through 12 does not exceed 25  
 48 students.

49  
 50 The class size requirements of this subsection do not apply to  
 51 extracurricular classes. Payment of the costs associated with  
 52 reducing class size to meet these requirements is the  
 53 responsibility of the state and not of local school ~~schools~~  
 54 districts. ~~Beginning with the 2003-2004 fiscal year, the~~  
 55 ~~legislature shall provide sufficient funds to reduce the average~~  
 56 ~~number of students in each classroom by at least two students~~

57 | ~~per year until the maximum number of students per classroom does~~  
58 | ~~not exceed the requirements of this subsection.~~

59 | (b) Every four-year old child in Florida shall be provided  
60 | by the State a high quality prekindergarten ~~pre-kindergarten~~  
61 | learning opportunity in the form of an early childhood  
62 | development and education program which shall be voluntary, high  
63 | quality, free, and delivered according to professionally  
64 | accepted standards. An early childhood development and education  
65 | program means an organized program designed to address and  
66 | enhance each child's ability to make age appropriate progress in  
67 | an appropriate range of settings in the development of language  
68 | and cognitive capabilities and emotional, social, regulatory,  
69 | and moral capacities through education in basic skills and such  
70 | other skills as the Legislature may determine to be appropriate.

71 | (c) The early childhood education and development programs  
72 | provided by reason of subsection ~~subparagraph~~ (b) shall be  
73 | implemented no later than the beginning of the 2005 school year  
74 | through funds generated in addition to those used for existing  
75 | education, health, and development programs. Existing education,  
76 | health, and development programs are those funded by the State  
77 | as of January 1, 2002, that provided for child or adult  
78 | education, health care, or development.

79 | ARTICLE XII

80 | SCHEDULE

81 | SECTION 31. Class size requirements for public  
82 | schools.--The amendment to Section 1 of Article IX, which  
83 | requires that the class size requirements for public schools  
84 | shall be based on the average number of students at the school

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85 level who are assigned to a teacher in specified grades, and  
 86 this section, if submitted to the electors of this state for  
 87 approval or rejection at the next general election, shall take  
 88 effect upon approval by the electors and shall operate  
 89 retroactively to the beginning of the 2010-2011 school year.

90 BE IT FURTHER RESOLVED that the following statement be  
 91 placed on the ballot:

92 CONSTITUTIONAL AMENDMENT

93 ARTICLE IX, SECTION 1

94 ARTICLE XII, SECTION 31

95 REVISION OF THE CLASS SIZE REQUIREMENTS FOR PUBLIC  
 96 SCHOOLS.--Proposes amendment of the State Constitution to  
 97 require that the class size requirements for public schools  
 98 shall remain at the current limits but be based on the average  
 99 number of students at the school level, rather than on the  
 100 maximum number of students, who are assigned to each teacher who  
 101 is teaching in public school classrooms in specified grades. For  
 102 public school classrooms for prekindergarten through grade 3 and  
 103 for grades 4 through 8, but not for grades 9 through 12, limits  
 104 the maximum number of students who may be assigned to each  
 105 teacher in an individual classroom. Deletes requirements for  
 106 funding annual reductions in class size to achieve the maximum  
 107 class size limits. Clarifies that these class size requirements  
 108 apply by the beginning of the 2010-2011 school year and for each  
 109 school year thereafter. Schedules these revisions to take effect  
 110 upon approval by the electors of this state and to operate  
 111 retroactively to the beginning of the 2010-2011 school year.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

Bill No. 919

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 Policy Committee  
2 Representative(s) Weatherford offered the following:

3  
4                   **Amendment**

5                   Remove line 51 and insert:  
6 extracurricular or virtual classes. Payment of the costs  
7 associated with

8  
9  
10

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 Policy Committee  
2 Representative Kiar offered the following:

3  
4       **Amendment (with ballot amendment)**

5       Remove line 48 and insert:  
6       students and the maximum number of students assigned to each  
7       teacher in an individual classroom does not exceed 30 students.

8  
9       -----  
10                                   **B A L L O T   A M E N D M E N T**

11       Remove lines 102-103 and insert:  
12       public school classrooms for prekindergarten through grade 3,  
13       for grades 4 through 8, and for grades 9 through 12, limits

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 Policy Committee  
2 Representative Kiar offered the following:

3  
4 **Amendment (with ballot amendment)**

5 Remove lines 54-58 and insert:

6 districts. ~~Beginning with the 2003-2004 fiscal year,~~ The  
7 legislature shall provide sufficient funds to maintain ~~reduce~~  
8 the average number of students required in each classroom ~~by at~~  
9 ~~least two students per year until the maximum number of students~~  
10 ~~per classroom does not exceed the requirements of this~~  
11 ~~subsection.~~

12  
13 -----  
14 **B A L L O T A M E N D M E N T**

15 Remove lines 105-107 and insert:

16 teacher in an individual classroom. Modifies requirements for  
17 funding to provide sufficient funds to maintain the average  
18 number of students required in each classroom. Clarifies that  
19 these class size requirements