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**Committee on Education Innovation  
& Career Preparation  
Meeting Packet**

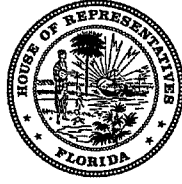
Tuesday, March 11, 2008

9:00 am — 12:00 pm

116 K

**Speaker**  
**Marco Rubio**

**Chair**  
**Thad Altman**



**The Florida House of Representatives**  
**Schools and Learning Council**  
**Committee on Education Innovation & Career Preparation**

**Marco Rubio**  
**Speaker**

**Thad Altman**  
**Chair**

**Meeting Agenda**  
**Tuesday, March 11, 2008**  
**116 K**  
**9:00 am – 12:00 pm**

- I. Opening Remarks by Chair Altman**
- II. Roll Call**
- III. Presentation on the following:**  
**Community College Funding**  
**Dr. Will Holcombe, Chancellor of Florida's Community College System.**
- IV. Consideration of the following bill:**  
**HB 297 Gifted and Academically Talented Student Education by Legg**
- V. Closing Comments / Meeting Adjourned**




FLORIDA DEPARTMENT OF EDUCATION

## COMMUNITY COLLEGE FUNDING

**Committee on Education Innovation & Career Preparation**  
**March 11, 2008**

**Dr. Willis N. Holcombe, Chancellor**  
**Division of Community Colleges**



### Status of Florida Community College System Facts at a Glance: 2006-2007

- **Total Unduplicated Annual Headcount**
  - 793,517 students
- **Student Profile**
  - 37% F.T. - 63% P.T. Students
  - Average student age 25
  - Gender 61% female
  - Minority enrollment 40%
- **Community Colleges - 28**
  - 61 Campuses
  - 177 Sites
  - 1,845 Campus Buildings
  - 11,396 Acres of Land
  - \$5.2 billion Capital Assets

**Total Degrees/Certificates Awarded**

AA Degrees	33,398 (50%)
AS Degrees	11,596 (17%)
Vocational & College Cr. Certs.	21,039 (32%)
Bachelors Degree Program	398 (1%)

*Thirty-five percent (35%) of all students receiving baccalaureate degrees by the university system were first graduates or transfers from the community college system.*

Source: Florida Community College Fact Book: 2007

### More Facts At A Glance...2006-2007

- 1 out of every 23 Floridians was enrolled in a community college
- Almost 60% of Florida's prior year h.s. graduates continued their education in a community college
- 80% of freshman and sophomore minority students in public higher education attended a Florida community college

### Meeting Critical Workforce Needs

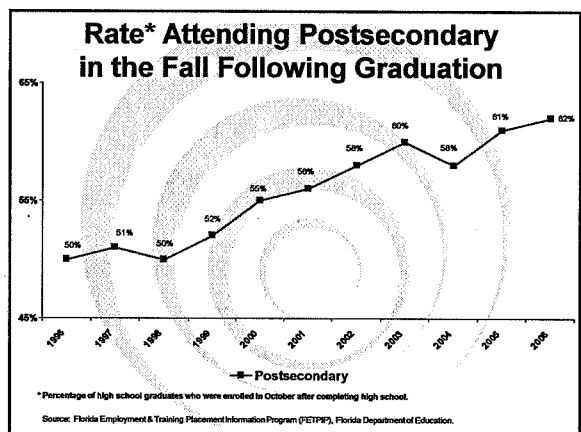
- 79% of community college completers in workforce programs are in high-wage, high-skill programs
- 50% of the 10.2 million jobs projected to be needed in 2014 will require some postsecondary education but less than a bachelor's degree
- 67% of the nursing degrees awarded in Florida are produced in community colleges; Graduates have increased from 2,600 in 2002 to 4,200 in 2006-07
- 78% of first responders (police, fire, medical techs, paramedics), graduate from community colleges
- 733 students successfully completed programs in Educator Preparation Institutes in 2006-07 - an increase of 750% over the previous year. Their pass rate on the FL Teacher Certification Exam was 98%
- 61% of SUS College of Education graduates were community college transfer students

### Enrollment and Degrees Estimated for 2007-08

Full-Time Equivalent Enrollment: 307,046  
*Increase of 20,291 or 7.1%*

Headcount Increase Estimated at: 54,000

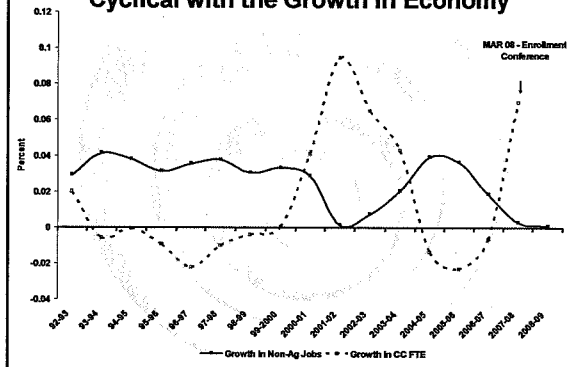
Selected Degrees & Awards	# of Awards	Increase
AA Degrees	35,643	5%
AS - Nursing (RN)	4,636	15%
Law Enforcement Certificate	1,982	9%
Educator Preparation Institutes	1,438	101%
Baccalaureate Degrees	771	35%



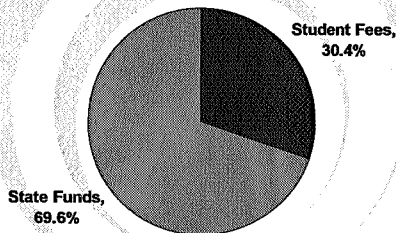
### Where Do High School Grads of 2005-06 Continue\* Education

Florida Public Community College	35%
Florida Public University	24%
Florida Private University	4%
Other Postsecondary	1%
Total	62%

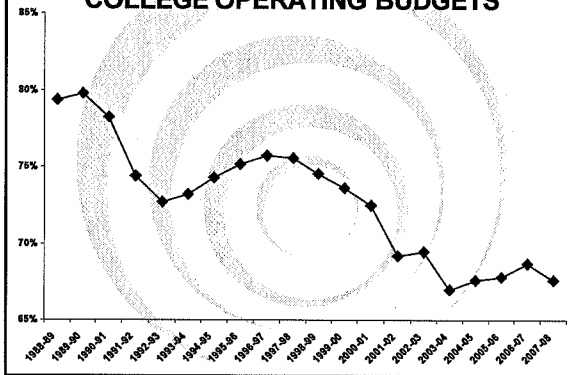
### Community College Enrollment is Counter-Cyclical with the Growth in Economy



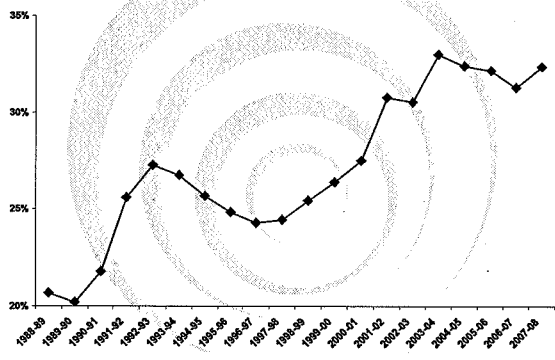
### Community College Operating Budgets



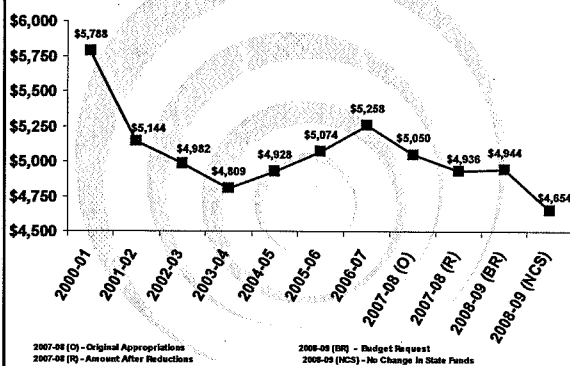
### STATE FUNDS AS A PERCENTAGE OF COLLEGE OPERATING BUDGETS



### STUDENT FEES AS A PERCENTAGE OF COLLEGE OPERATING BUDGETS



### COMMUNITY COLLEGE TOTAL FUNDS PER FTE (ADJUSTED BY THE HIGHER EDUCATION PRICE INDEX)



### Factors Affecting the Community College Operating Budget Request

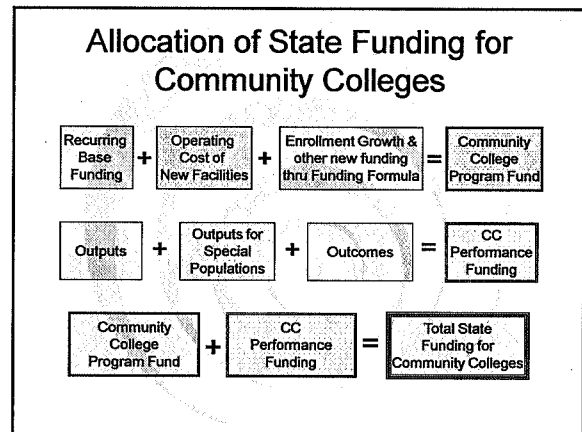
For 2008-09

- Based on Prior-Year Enrollment
- State Economic Outlook

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**Factors omitted from 2008-09 Budget Request Process**

- Economy Driven Costs
  - Health Insurance
  - Energy Costs/Utilities
  - Property Casualty Insurance, etc.
- Strategic Planning Factors
  - Funding Formula
  - Performance Funding



### COMMUNITY COLLEGE BACCALAUREATE DEGREES

- Restricted Categorical Appropriation
- State Funding Policy
  - Projected FTE X \$3,657  
*85% of Universities Direct Instructional Cost*

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➤ Projected Headcount for 2008-09	7,301
➤ Projected FTE 2008-09	3,535
➤ Projected Degrees Awarded in 2008-09	1,101

### Community College Funding Challenges

- Funding for community colleges plunges just when huge influxes of students seek **convenient, accessible and cost-effective** training & retraining.
- Funding per student is at an historical **LOW**, at a time when the system is expected to serve more students who are shut-out of other, more-costly alternatives.
- 2007-08 growth of 7.1% (20,291 FTE) must be funded to keep the per-FTE funding from falling further and threatening student access and instructional quality.
- Funding lower-division programs based on prior-year enrollments while funding baccalaureate programs on enrollment projections may lead to unintended inequities in program support.

### Contact Information

Dr. Willis N. Holcombe, Chancellor  
Division of Community Colleges

[Will.Holcombe@fldoe.org](mailto:Will.Holcombe@fldoe.org)



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 297

Gifted and Academically Talented Student Education

SPONSOR(S): Legg

TIED BILLS:

IDEN./SIM. BILLS: SB 990

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Education Innovation & Career Preparation		Beagle	White
2) Schools & Learning Council			
3) Policy & Budget Council			
4)			
5)			

SUMMARY ANALYSIS

State Board of Education (SBE) rule defines "gifted" as "one who has superior intellectual development and is capable of high performance." Gifted students are classified as exceptional students. Statute requires school districts to provide exceptional students in grades K-12, including gifted students, with appropriate diagnosis, evaluation, special instruction, facilities, and services. Currently, there are no statutory procedures in the areas of gifted screening, identification, eligibility, and programming.

State approved teacher preparation programs are currently not required to provide instruction to preservice teachers regarding gifted students. Only practicing teachers who seek a gifted education endorsement are required to receive such instruction.

Gifted students are funded through the Exceptional Student Education (ESE) Guaranteed Allocation (GA). The ESE GA is a lump sum allocation that districts receive in addition to base student funding via the Florida Education Finance Program (FEFP). District school boards are not required to specify the exact amounts of GA funding expended to provide gifted services.

House Bill 297 creates s. 1003.527, F.S., to require the Department of Education (DOE) to develop, and district school boards to implement, screening procedures, eligibility criteria, model programs and whole-grade acceleration policies for serving gifted and academically talented (GAT) students. Among other things, screening procedures must require screening for all students at designated grade-levels and enable students in other grades to obtain screening by parental request. Districts must notify parents of screening opportunities. Eligibility criteria must enable students to be classified as gifted based upon superior intellectual development or be classified as academically talented based upon high achievement capability in one or more academic subject areas. The bill requires school districts to evaluate GAT students every three years to determine their continuing eligibility for the GAT program. In addition, the bill requires the DOE to develop model GAT education programs and policies, procedures, and eligibility criteria for whole-grade acceleration. Each district school board must submit an annual report on its GAT education program.

The bill amends s. 1004.04, F.S., to require state approved teacher preparation programs to provide instruction to preservice teachers regarding GAT students. The bill also amends s. 1011.62, F.S., to require each school district to separately identify the GA amounts it expended on such students in its annual financial report.

The bill appears to have a fiscal impact on the state and school districts. (SEE FISCAL ANALYSIS AND ECONOMIC IMPACT STATEMENT).



# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Empower Families--** The bill requires district school boards to conduct annual GAT education eligibility screening for all students in a designated elementary, middle school, and high school grade-level. School districts must also notify parents of available GAT education screening opportunities.

### B. EFFECT OF PROPOSED CHANGES:

#### **Gifted Education**

State Board of Education (SBE) rule defines "gifted" 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> Statute requires school districts to provide exceptional students in grades K-12, including gifted students, with appropriate diagnosis, evaluation, special instruction, facilities, and services.<sup>3</sup> According to the DOE, 126,775 students were provided gifted education services during the 2006-2007 school year.<sup>4</sup>

**K-12 Students Enrolled in Gifted Education Courses: 2006-2007<sup>5</sup>**

White	African American	Hispanic	Asian	American Indian	Multi-Racial	Total Gifted
75,819	12,101	28,152	5,794	405	4,504	126,775

*Screening, Identification, and Eligibility:* SBE rule sets forth two methods for determining gifted eligibility status. A student must either: (a) demonstrate superior intellectual development as measured by an intelligence quotient (IQ) of at least two standard deviations above the norm,<sup>6</sup> possess gifted characteristics according to a standard checklist, and need a special program; or (b) be limited English proficient 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 latter method for determining gifted status is known as "Plan B." Plan B students need not meet the IQ requirement to obtain gifted status if they otherwise meet the criteria set forth in the school district's plan. Currently, 53 of 67 Florida school districts have an approved alternative identification plan for determining gifted eligibility.<sup>8</sup>

**Factors Considered in Determining Gifted Eligibility<sup>9</sup>**

Factor	Districts
IQ Test	67
Checklist of Gifted Characteristics	67
State or District Assessments	45
Formal or Informal Observation	39
Portfolio of Student Work	34
Student Interviews	3

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

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

<sup>3</sup> Section 1003.57(1), F.S.

<sup>4</sup> Florida Department of Education, Bureau of Education Information and Accountability Services, *Statistical Brief: Membership in Programs for Exceptional Students: Fall 2006*, Series 2007-07B (January 2007) available at <http://www.fldoe.org/eias/eiaspubs/pdf/eseemem.pdf>. (Data current through October 2006).

<sup>5</sup> *Id.*

<sup>6</sup> Two standard deviations above the norm is approximately a 130 IQ as measured by most IQ tests. See Office of Program Policy Analysis and Government Accountability, *Florida's Gifted Student Population 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> OPPAGA, Report No. 08-01 (January 2008).

<sup>9</sup> *Id.*

The methods used by school districts to select students for gifted screening vary. Generally, districts consider a student's academic performance, teacher referrals, and review of student records.<sup>10</sup> In the majority of Florida's school districts, testing to identify a gifted student occurs only upon school employee referral or parental request. A minority of districts use screening of the general student population to identify students whose performance warrants further testing for gifted status.<sup>11</sup> In such cases, the district either requires screening of all students in a particular grade or screens all students upon entry into the district system.<sup>12</sup>

**Methods Used by School Districts to Select Students for Gifted Screening<sup>13</sup>**

<b>Criteria Used to Select Students for Screening</b>	<b>Districts</b>
Student Academic Performance	65
Teacher Referral	62
Student Record Review	60
Parent Referral	44
Screen All Students in a Particular Grade	13
Screen All Students Upon Entry Into the District System	10

School districts generally employ a four-step process to determine gifted status:

- Step one: Identify students for eligibility screening;
- Step two: Conduct screening and refer qualified students for further assessment;
- Step three: Individual evaluation by a psychologist; and
- Step four: Final eligibility determination based upon review of information collected during steps one through three.<sup>14</sup>

A school district must develop a written educational plan (EP) for each gifted student. The EP must describe 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.<sup>15</sup>

House Bill 297 creates s. 1003.527, F.S., to require the DOE to develop, and district school boards to implement, screening procedures, and eligibility criteria for serving GAT students. Screening procedures must provide for annual evaluation of all students in an elementary, middle school, and high school grade-level designated by the DOE. The appropriate grade-level for screening students must be determined using peer-reviewed research. Screening procedures must also enable students at all other grade-levels to be screened upon written request by the student's parent or teacher. The bill also requires each district school board to provide written notice to all parents of K-12 students regarding the availability of GAT screening.

At a minimum, the bill requires that eligibility criteria for GAT programs must be developed to identify students who require a unique program to achieve their full academic potential. Eligibility must also be based on: (a) superior intellectual development as demonstrated by performance on a standardized intelligence test devised specifically for gifted student identification; or (b) high achievement capability in

<sup>10</sup> *Id.*

<sup>11</sup> Presentations by representatives of the Department of Education and Florida Association for the Gifted at the January 23, 2007 meeting of the Committee on Education Innovation and Career Preparation.

<sup>12</sup> OPPAGA, Report No. 08-01 (January 2008).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Rule 6A-6.030191, 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>.

one or more academic subject areas for academically talented students. The bill does not authorize the development of alternatives to performance on a standardized intelligence test for gifted eligibility.

The bill requires that each GAT student be evaluated a minimum of every three years to determine: (a) continuing eligibility for the GAT program; and (b) whether enrollment in the program still benefits the student. Each district school board must annually report the number of students screened and identified as GAT, the types of GAT programs it offers, the number of students in GAT programs, achievement data for GAT students, and the number of students who were accelerated at least one grade-level to the DOE. GAT student enrollment data must be broken down by race, ethnicity, and national origin.

*Gifted Education Programs:* There is no statewide model for gifted education programs. Statute currently requires each district school board to submit a proposed plan for providing ESE services to the DOE every three years.<sup>16</sup> Gifted education services, if provided, must be included in the proposed plan. In complying with this requirement, districts typically provide only a summary of gifted services offered and do not specifically identify the grade-level or the number of schools in which the services are provided.<sup>17</sup>

Gifted education services generally fall into one of two categories: (a) enrichment; and (b) acceleration. Enrichment activities provide students with more complex and in depth study of subjects than is available via the regular education curriculum. Acceleration allows a student to work at a faster pace or engage in higher level work.<sup>18</sup> Gifted education services are delivered to students in various ways. Commonly used delivery methods include:

- Consultation by a gifted endorsed specialist who works with both the student and classroom teacher;
- Supplemental instruction provided by a gifted endorsed teacher in the student's regular classroom;
- Pull out instruction by a gifted endorsed teacher;
- Team teaching by the student's regular classroom teacher and a gifted endorsed teacher;
- Self-contained gifted classrooms and schools; and
- Courses with both gifted and regular education students in which the teacher differentiates instruction for the gifted students.<sup>19</sup>

Statute requires school districts to offer acceleration mechanisms to high school students that include, but are not limited to, 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>20</sup> These programs are often utilized to serve both gifted and academically talented high school students. Acceleration methods for elementary and middle school students are determined at the district level.<sup>21</sup>

The bill requires the DOE to develop model GAT student education programs based upon best practices set forth in peer-reviewed research. Model programs must be developed for use in classrooms and schools, as well as for district-wide implementation. Such programs must include subject matter acceleration opportunities, differentiated curricula, and enrichment activities. The bill also requires the

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<sup>16</sup> Section 1003.57(1)(d), F.S.

<sup>17</sup> OPPAGA, Report No. 08-01 (January 2008).

<sup>18</sup> Florida Department of Education, Bureau of Exceptional Education and Student Services, Information Brief: Acceleration of Gifted Students (2003) *available at* [http://www.fldoe.org/ESE/pdf/gift\\_accel.pdf](http://www.fldoe.org/ESE/pdf/gift_accel.pdf).

<sup>19</sup> Presentations by representatives of the Department of Education and Florida Association for the Gifted at the January 23, 2007 meeting of the Committee on Education Innovation and Career Preparation. *See also* OPPAGA, Report No. 08-01 (January 2008).

<sup>20</sup> *See* Sections 1007.27 and 1007.271, F.S. (requiring public schools to offer secondary and postsecondary students acceleration methods that shorten the time normally required to complete a high school diploma or college degree).

<sup>21</sup> Acceleration mechanisms for gifted or academically talented elementary and middle school students are not specifically addressed in Florida statute. However, many school districts have adopted policies addressing mechanisms such as grade and subject matter acceleration pursuant to their statutory authority to adopt rules to admit, classify, promote, and graduate students. *See* Section 1003.02(1)(a), F.S.

DOE to develop a policy for annually evaluating the effectiveness of model programs. The DOE must also establish policies, procedures, and eligibility criteria for whole-grade acceleration.

*Teacher Preparation and Gifted Students:* Statute requires the SBE to adopt rules establishing a uniform core curriculum (UCC) for state approved teacher preparation programs. Among other things, the UCC must include instruction in research-based literacy, computational skills acquisition, classroom management, school safety, professional ethics, educational law, human development, the Sunshine State Standards content and achievement tests, reading and interpretation of data, and use of data to improve student learning.<sup>22</sup>

Currently, state approved teacher preparation programs are not required to provide instruction to preservice teachers regarding screening, identification, and placement of gifted students in accelerated academic programs. 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>23</sup>

The bill amends s. 1004.04(3)(c), F.S., to require each state-approved teacher preparation program to incorporate instruction regarding GAT student characteristics and the GAT screening, identification, and instructional practices set forth by the bill.

*Gifted Education Funding:* Funding for exceptional students is calculated using a system of weighted cost factors. Cost factors are determined using a matrix of services (MOS) that the exceptional student will receive. The MOS must be completed prior to the student's enrollment in an ESE program and reviewed every three years.<sup>24</sup>

Exceptional students in grades kindergarten through eight who do not receive a MOS-- usually low and moderately disabled students-- and gifted students are funded through the ESE GA.<sup>25</sup> The ESE GA is a lump sum allocation that districts receive in addition to base student funding via the FEFP.

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. Such reports must be broken down by school and aggregate district for each FEFP funded program.<sup>27</sup> School districts are currently not required to specify the exact amounts of GA funding expended to provide education services to exceptional students who do not receive a MOS and gifted students.

The bill amends s. 1011.62(1)(e)2., F.S., to require each school district to separately identify the ESE GA amounts it expended on students who do not receive a MOS and gifted students in its annual financial report. This requirement will facilitate increased state-level oversight over funding and programming for gifted students.

### C. SECTION DIRECTORY:

**Section 1.:** Creating s. 1003.572, F.S.; requiring the DOE to develop screening procedures for identification of GAT students; specifying requirements for such screening; requiring the DOE to develop GAT eligibility criteria and providing specifications for such criteria; requiring the DOE to develop model GAT student education programs and specifying program requirements; requiring the DOE to develop evaluation procedures for model GAT education programs; requiring the DOE to

<sup>22</sup> Section 1004.04(2), F.S.

<sup>23</sup> Rule 6A-4.01791, F.A.C.

<sup>24</sup> Section 1011.62(1)(e), F.S.

<sup>25</sup> *Id.*

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

<sup>27</sup> Section 1010.20(2), F.S.

develop procedures and eligibility criteria for whole-grade acceleration; requiring district school boards to implement screening procedures, eligibility criteria, model programs, evaluation procedures, and whole-grade acceleration policies; requiring district school board reporting; requiring rulemaking.

**Section 2.:** Amending s. 1004.04, F.S.; requiring state approved teacher preparation programs to provide instruction to preservice teachers regarding GAT education students.

**Section 3.:** Amending s. 1011.62; requiring school districts to report certain ESE GA expenditures separately.

**Section 4.:** Providing an effective date.

## 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, in its fiscal analysis, projects that it will incur costs associated with developing screening procedures, eligibility criteria, model programs, and whole-grade acceleration policies for use by school districts for serving GAT students. The DOE estimates that it will need to add two positions to conduct rule making, policy and program development, research review, technical assistance, training, and development of data collection processes at a total cost of \$156,201.<sup>28</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

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

#### 2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures. However, please see FISCAL COMMENTS SECTION for a description of the bill's fiscal impact on school districts.

### 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 2007 Legislature appropriated \$1,125,846,285 to the ESE GA for the 2007-2008 school year.<sup>29</sup> Of this amount, approximately \$290 million was generated by gifted students in 2007-2008. Each school district receives \$9,177 for each gifted student. This amount is comprised of basic student funding in the amount of \$6,879 and \$2,298 in ESE GA funding.<sup>30</sup>

According to the Office of Program Policy Analysis and Government Accountability (OPPAGA), gifted student funding increased by 26% from 2005-2006 to 2007-2008. OPPAGA attributes this increase to

<sup>28</sup> Department of Education, 2008 Bill Analysis for HB 297.

<sup>29</sup> Specific Appropriation 86 of the Conference Committee Report on Senate Bill 2800, Enrolled Chapter 2007-72, L.O.F., as amended by Chapter 2007-326, L.O.F.

<sup>30</sup> OPPAGA, Report No. 08-01 (January 2008).

a 6.7% rise in the statewide number of gifted students. This increase in gifted students caused the amount of ESE GA funding allocated for gifted students to increase from \$243 million in 2005-2006 to \$276 million in 2006-2007.<sup>31</sup> In response to these increases, the 2007 Legislature amended the FEFP statute to provide that a school district's expenditure of ESE GA funds for gifted students in grades nine through 12 may not exceed the amount it expended in 2006-2007.<sup>32</sup>

The DOE's fiscal analysis projects that school districts will incur costs associated with the addition of programs for academically talented students and screening and follow-up evaluation of GAT students.<sup>33</sup> Unless the ESE GA appropriation is increased to accommodate the changes made by the bill, districts would be required to fund these activities using the existing allocation.<sup>34</sup>

Bill provisions requiring school districts to notify each student's parent of the availability of gifted screening may also result in increased school district costs. Bill provisions requiring each school district to separately identify the ESE GA amounts it expended on students who do not receive a MOS and gifted students in its annual financial report will enhance state-level oversight over funding and programming for gifted students.

Postsecondary institutions that offer a state approved teacher preparation program may be required to add courses and faculty to provide instruction regarding GAT students to preservice teachers.<sup>35</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

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

The bill does not require counties or municipalities to take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules implementing the screening, identification, programming, and eligibility provisions set forth by the bill. Current statute also requires the SBE to adopt rules for state approved teacher preparation programs pursuant to s. 1004.04, F.S. According to the DOE, amendments to Rules 6A-6.03019, F.A.C. (Gifted Identification, screening, and eligibility), 6A-6.0331, F.A.C. (Identification and eligibility for ESE services), and 6A-5.066, F.A.C. (Uniform Core Curricula for state approved teacher preparation programs) will be required to implement the bill.<sup>36</sup>

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<sup>31</sup> *Id.*

<sup>32</sup> Section 1011.62(1)(e), F.S.

<sup>33</sup> Department of Education, 2008 Bill Analysis for HB 297. (The DOE estimates project the total cost of screening at \$260,607, follow-up evaluations at \$86,869 annually, and teacher training at \$10,100).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

## C. DRAFTING ISSUES OR OTHER COMMENTS:

**Teacher Training and Professional Development:** Statute requires each school district to establish a competency-based alternative teacher certification program (ATCP).<sup>37</sup> Statute authorizes state universities and community colleges to establish educator preparation institutes (EPI) to provide teacher training.<sup>38</sup> Both types of programs are utilized to provide professional development for practicing teachers and certification preparation for preservice teachers.

Current Florida law requires the DOE, school districts, schools and other stakeholders to collaboratively establish a comprehensive statewide system of teacher professional development for practicing teachers.<sup>39</sup> District school boards are also required to establish a comprehensive professional development plan as part of the each school's improvement plan.<sup>40</sup> Teacher professional development programs are currently not required to provide training to practicing teachers regarding GAT issues.

Bill provisions requiring state approved teacher preparation programs to provide instruction on GAT students to preservice teachers would not apply to teacher certification candidates attending an EPI or district school board ATCPs. Nor would these provisions apply to school district professional development programs for practicing teachers.<sup>41</sup> Consideration might be given to amending the bill to require these programs to also provide GAT education instruction to program participants.

**Screening:** The bill requires that all students at designated grade-levels be screened for gifted eligibility. However, the bill does not specify whether school districts will be required to screen students at that grade-level who are already classified as gifted. Similarly, the bill does not provide an exception for ESE students with severe learning, developmental, or behavioral disabilities for whom extensive screening or psychological evaluations have already been conducted. In addition, the bill does not provide an opportunity for parents to opt their child out of required screenings. Consideration might be given to amending the bill to provide an exception for students who are already classified as gifted and certain ESE students. In addition, the bill might be amended to enable parents to opt their child out of gifted screening.

## D. STATEMENT OF THE SPONSOR

Representative Legg submitted the following sponsor statement:

Florida's gifted and academically talented students deserve the best education we can provide. I believe HB 297 is an excellent step in the journey toward teaching our best and brightest at a challenging and effective level.

## IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

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<sup>37</sup> Section 1012.56(7), F.S.

<sup>38</sup> Section 1004.85, F.S. Thirty-three Florida postsecondary institutions currently operate an EPI. Twenty-eight of these institutions are community colleges. Five state universities currently operate an EPI. See Florida Department of Education, Teach in Florida.Com, Educator Preparation Institutes *available at* <http://www.teachinflorida.com/Preparation/tabid/60/Default.aspx>.

<sup>39</sup> Section 1012.98, F.S.

<sup>40</sup> Sections 1001.42(16) and 1012.22, F.S.

<sup>41</sup> Department of Education, 2008 Bill Analysis for HB 297.

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 the Department of Education to develop procedures for  
 5 screening students for identification as gifted or  
 6 academically talented students; specifying parental notice  
 7 and other requirements for such screening; requiring the  
 8 department to develop eligibility criteria for gifted and  
 9 academically talented student identification and  
 10 specifying criteria therefor; requiring the department to  
 11 develop model gifted and academically talented student  
 12 education programs and specifying program requirements;  
 13 requiring the department to develop procedures for  
 14 evaluating the effectiveness of model education programs;  
 15 requiring the department to develop procedures and  
 16 eligibility criteria for whole-grade acceleration;  
 17 requiring district school boards to implement screening  
 18 procedures, eligibility criteria, model education  
 19 programs, evaluation procedures, and whole-grade  
 20 acceleration policies; requiring district school board  
 21 reporting; requiring rulemaking; amending s. 1004.04,  
 22 F.S.; requiring state-approved teacher preparation  
 23 programs to incorporate specified gifted and academically  
 24 talented student instruction; amending s. 1011.62, F.S.;  
 25 requiring certain school district guaranteed allocation  
 26 expenditures to be reported separately; providing an  
 27 effective date.  
 28



HB 297

2008

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

30  
31 Section 1. Section 1003.572, Florida Statutes, is created  
32 to read:

33 1003.572 Gifted and academically talented student  
34 education.--

35 (1) The Department of Education shall develop, and  
36 district school boards shall implement:

37 (a) Screening procedures for the determination of students  
38 who should be further evaluated for identification as a gifted  
39 or an academically talented student. The screening shall be  
40 annually conducted for all students in an elementary, middle,  
41 and high school grade level designated by the department, based  
42 upon peer-reviewed research, to be the most appropriate time for  
43 such screening and shall also be made available at least  
44 annually to students in all other K through 12 grade levels upon  
45 written request by a student's parent or teacher. Each district  
46 school board shall annually provide written notification to  
47 parents of students in grades K through 12 of the availability  
48 of such screening.

49 (b) Eligibility criteria for gifted and academically  
50 talented student identification that includes, but is not  
51 limited to, demonstration of a need for services or activities  
52 not ordinarily provided by the school in order to fully develop  
53 the student's capabilities and demonstration of:

54 1. Superior intellectual development on a standardized  
55 intelligence test for gifted student identification; or

56           2. High achievement capability in one or more academic  
 57 subject areas for academically talented student identification.

58           (c) Model gifted and academically talented student  
 59 education programs for students identified under paragraph (b).  
 60 The programs must:

61           1. Be based upon best practices set forth in peer-reviewed  
 62 research.

63           2. Include classroom-based, school-based, and district-  
 64 based implementation options.

65           3. Include, but are not limited to, subject matter  
 66 acceleration opportunities, differentiated curricula that  
 67 address the exceptional learning needs of gifted and  
 68 academically talented students, and enrichment activities that  
 69 extend learning opportunities available in the classroom.

70           (d) Procedures for annually evaluating the effectiveness  
 71 of model gifted and academically talented student education  
 72 programs.

73           (e) Policies that set forth procedures and eligibility  
 74 criteria for whole-grade acceleration.

75           (2) Each student participating in a gifted or academically  
 76 talented student education program shall be evaluated at least  
 77 every 3 years according to procedures developed by the  
 78 department to determine whether the student is benefiting from,  
 79 and continues to be eligible to participate in, the program.

80           (3) Each district school board shall report annually to  
 81 the department by school and grade level: the number of students  
 82 screened and identified under subsection (1); the types of  
 83 gifted and academically talented student education programs that

84 it offers; the number of, and performance data for, students in  
 85 such programs; and the number of students who were accelerated  
 86 one or more whole grades. When reporting the number of students,  
 87 district school boards shall classify students according to  
 88 race, ethnicity, and national origin.

89 (4) The State Board of Education shall adopt rules  
 90 pursuant to ss. 120.536(1) and 120.54 necessary to implement  
 91 this section.

92 Section 2. Paragraph (c) of subsection (3) of section  
 93 1004.04, Florida Statutes, is amended to read:

94 1004.04 Public accountability and state approval for  
 95 teacher preparation programs.--

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

102 (c) State-approved teacher preparation programs must  
 103 incorporate:

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

108 2. Scientifically researched, knowledge-based reading  
 109 literacy and computational skills instruction so that program  
 110 graduates will be able to provide the necessary academic

111 foundations for their students at whatever grade levels they  
 112 choose to teach.

113 3. Gifted and academically talented student instruction so  
 114 that program graduates will be able to recognize the  
 115 characteristics of a gifted or academically talented student and  
 116 will have knowledge of the requirements under s. 1003.572 for  
 117 the screening, identification, and education of such students.

118 Section 3. Paragraph (e) of subsection (1) of section  
 119 1011.62, Florida Statutes, is amended to read:

120 1011.62 Funds for operation of schools.--If the annual  
 121 allocation from the Florida Education Finance Program to each  
 122 district for operation of schools is not determined in the  
 123 annual appropriations act or the substantive bill implementing  
 124 the annual appropriations act, it shall be determined as  
 125 follows:

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

130 (e) Funding model for exceptional student education  
 131 programs.--

132 1.a. The funding model uses basic, at-risk, support levels  
 133 IV and V for exceptional students and career Florida Education  
 134 Finance Program cost factors, and a guaranteed allocation for  
 135 exceptional student education programs. Exceptional education  
 136 cost factors are determined by using a matrix of services to  
 137 document the services that each exceptional student will  
 138 receive. The nature and intensity of the services indicated on

139 the matrix shall be consistent with the services described in  
 140 each exceptional student's individual educational plan.

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

149 c. Students identified as exceptional, in accordance with  
 150 chapter 6A-6, Florida Administrative Code, who do not have a  
 151 matrix of services as specified in sub-subparagraph b. shall  
 152 generate funds on the basis of full-time-equivalent student  
 153 membership in the Florida Education Finance Program at the same  
 154 funding level per student as provided for basic students.  
 155 Additional funds for these exceptional students will be provided  
 156 through the guaranteed allocation designated in subparagraph 2.

157 2. For students identified as exceptional who do not have  
 158 a matrix of services and students who are gifted in grades K  
 159 through 8, there is created a guaranteed allocation to provide  
 160 these students with a free appropriate public education, in  
 161 accordance with s. 1001.42(4) (1)~~(m)~~ and rules of the State Board  
 162 of Education, which shall be allocated annually to each school  
 163 district in the amount provided in the General Appropriations  
 164 Act. These funds shall be in addition to the funds appropriated  
 165 on the basis of FTE student membership in the Florida Education  
 166 Finance Program, and the amount allocated for each school

167 district shall not be recalculated during the year. These funds  
168 shall be used to provide special education and related services  
169 for exceptional students and students who are gifted in grades K  
170 through 8. Beginning with the 2007-2008 fiscal year, a  
171 district's expenditure of funds from the guaranteed allocation  
172 for students in grades 9 through 12 who are gifted may not be  
173 greater than the amount expended during the 2006-2007 fiscal  
174 year for gifted students in grades 9 through 12. Each district  
175 school board in its annual financial report to the department  
176 shall separately identify the amount expended from the  
177 guaranteed allocation for students identified as exceptional who  
178 do not have a matrix of services and for gifted students in  
179 grades K through 12.

180 Section 4. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 297

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: Education Innovation and Career  
2 Preparation  
3 Representative(s) Legg offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 1003.572, Florida Statutes, is created  
8 to read:

9 1003.572 Gifted student education.--

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

12 (a) Provide written notice to each student's parent of the  
13 eligibility criteria for gifted student classification and the  
14 procedures for requesting an evaluation of a student to  
15 determine his or her eligibility for such classification.

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

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

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23        2. The types of gifted student education services that it  
24 provides and the number of students receiving each service.  
25 Such reporting shall separately identify gifted student  
26 education services that provide: direct instruction to a class  
27 consisting only of gifted students; differentiated instruction  
28 for gifted students within a class that also includes students  
29 who are not gifted; and non-instructional consultation services.  
30 Such reporting shall also indicate the number of hours per week  
31 that the service is provided to each gifted student and whether  
32 the service is provided by a teacher who has received the gifted  
33 endorsement under State Board of Education rule.

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

36  
37 When reporting the number of students under this paragraph,  
38 district school boards shall classify students according to  
39 race, ethnicity, national origin, and free or reduced price  
40 lunch eligibility status under the National School Lunch Act.

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

43        (4) The State Board of Education shall adopt rules  
44 pursuant to ss. 120.536(1) and 120.54, to implement this  
45 section.

46        Section 2. Section 1003.573, Florida Statutes, is created  
47 to read:

48        1003.573 Whole-Grade and Subject Matter Acceleration.--

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



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

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

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

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

70       1004.04 Public accountability and state approval for  
71 teacher preparation programs.--

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

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

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

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

89 3. Gifted student instruction so that program graduates  
90 will be able to recognize the characteristics of gifted students  
91 and have knowledge of the eligibility criteria for gifted  
92 student classification and the procedures for referring a  
93 student for an evaluation to determine his or her eligibility  
94 for such classification.

95 Section 4. Paragraph (e) of subsection (1) of section  
96 1011.62, Florida Statutes, is amended to read:

97 1011.62 Funds for operation of schools.--If the annual  
98 allocation from the Florida Education Finance Program to each  
99 district for operation of schools is not determined in the  
100 annual appropriations act or the substantive bill implementing  
101 the annual appropriations act, it shall be determined as  
102 follows:

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

107 (e) Funding model for exceptional student education  
108 programs.--

109 1.a. The funding model uses basic, at-risk, support levels  
110 IV and V for exceptional students and career Florida Education  
111 Finance Program cost factors, and a guaranteed allocation for  
112 exceptional student education programs. Exceptional education  
113 cost factors are determined by using a matrix of services to  
114 document the services that each exceptional student will

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115 receive. The nature and intensity of the services indicated on  
116 the matrix shall be consistent with the services described in  
117 each exceptional student's individual educational plan.

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

126 c. Students identified as exceptional, in accordance with  
127 chapter 6A-6, Florida Administrative Code, who do not have a  
128 matrix of services as specified in sub-subparagraph b. shall  
129 generate funds on the basis of full-time-equivalent student  
130 membership in the Florida Education Finance Program at the same  
131 funding level per student as provided for basic students.  
132 Additional funds for these exceptional students will be provided  
133 through the guaranteed allocation designated in subparagraph 2.

134 2. For students identified as exceptional who do not have  
135 a matrix of services and students who are gifted in grades K  
136 through 8, there is created a guaranteed allocation to provide  
137 these students with a free appropriate public education, in  
138 accordance with s. 1001.42(4) (1) ~~(m)~~ and rules of the State Board  
139 of Education, which shall be allocated annually to each school  
140 district in the amount provided in the General Appropriations  
141 Act. These funds shall be in addition to the funds appropriated  
142 on the basis of FTE student membership in the Florida Education  
143 Finance Program, and the amount allocated for each school  
144 district shall not be recalculated during the year. These funds  
145 shall be used to provide special education and related services

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146 for exceptional students and students who are gifted in grades K  
147 through 8. Beginning with the 2007-2008 fiscal year, a  
148 district's expenditure of funds from the guaranteed allocation  
149 for students in grades 9 through 12 who are gifted may not be  
150 greater than the amount expended during the 2006-2007 fiscal  
151 year for gifted students in grades 9 through 12. Each district  
152 school board in its annual financial report to the department  
153 shall separately identify the amount expended from the  
154 guaranteed allocation for students identified as exceptional who  
155 do not have a matrix of services and for gifted students in  
156 grades K through 12.

157 Section 5. Gifted and Academically Talented Student Task  
158 Force.--

159 (1) Effective upon this act becoming a law, there is  
160 created the Gifted and Academically Talented Student Task Force.  
161 The task force is composed of the following members: the chair  
162 of the State Board of Education or his or her designee, who  
163 shall serve as chair; the Commissioner of Education or his or  
164 her designee, who shall serve as vice-chair; and five members  
165 who collectively have experience in gifted and academically  
166 talented student screening, identification, and education, one  
167 of whom shall be appointed by the Governor, one of whom shall be  
168 appointed by the President of the Senate, one of whom shall be  
169 appointed by the Speaker of the House of Representatives, and  
170 two of whom shall be appointed by the chair of State Board of  
171 Education.

172 (2) The members of the task force shall be appointed by  
173 July 1, 2008, and shall convene the initial meeting of the task  
174 force by August 1, 2008.

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

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177 force are entitled to per diem and travel expenses under s.  
178 112.061, Florida Statutes, and are subject to the Code of Ethics  
179 for Public Officers and Employees under part III of chapter 112,  
180 Florida Statutes.

181 (4) By February 1, 2009, the task force shall submit a  
182 report to the Governor, the President of the Senate, and the  
183 Speaker of the House of Representatives, which includes, but is  
184 not limited to, recommendations, based upon peer-reviewed  
185 research and the members' collective expertise, for the  
186 following:

187 (a) Revisions to statute and rule governing eligibility  
188 criteria for gifted student classification generally and in  
189 under-represented groups.

190 (b) Eligibility criteria for academically talented student  
191 classification. Such criteria shall identify students who are  
192 not classified as a gifted, but who possess high achievement  
193 capability in one or more academic subject areas and who would  
194 benefit from participation in accelerated or differentiated  
195 curricula learning opportunities.

196 (c) Annual screening procedures for the determination of  
197 students who should be further evaluated for identification as  
198 gifted or academically talented students. These procedures, at  
199 a minimum, shall identify:

200 1. The most appropriate grade or grades within each of the  
201 elementary, middle, and high school levels to administer such  
202 screenings for all students; and

203 2. One or more recommended screening instruments.

204 (d) Model gifted and academically talented student  
205 education programs. The programs must include, but are not  
206 limited to:

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207 1. Classroom-based, school-based, and district-based  
208 implementation options.

209 2. Subject matter acceleration opportunities,  
210 differentiated curricula that address the exceptional learning  
211 needs of gifted and academically talented students, and  
212 enrichment activities that extend learning opportunities  
213 available in the classroom.

214 (e) Procedures for annually evaluating the effectiveness  
215 of model gifted and academically talented student education  
216 programs.

217 (f) Procedures for evaluating students participating in  
218 gifted or academically talented student education programs to  
219 determine whether the students are benefiting from, and continue  
220 to be eligible to participate in, the programs.

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

223 Section 6. This act shall take effect July 1, 2008.

224 -----

225 **T I T L E A M E N D M E N T**

226 Remove the entire title and insert:

227 A bill to be entitled

228 An act relating to gifted and academically talented student  
229 education; creating s. 1003.572, F.S.; requiring district school  
230 boards to provide parental notice of gifted eligibility  
231 requirements and procedures for requesting evaluations for  
232 gifted classification; requiring district school board reporting  
233 of gifted classification, services, and performance data;  
234 requiring the Department of Education to develop data elements  
235 for district reporting; requiring rulemaking; creating s.  
236 1003.573, F.S.; requiring the department to develop procedures  
237 and eligibility criteria for whole-grade and subject matter

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238 acceleration; requiring district school boards to implement  
239 procedures and eligibility criteria; requiring district school  
240 board reporting of student acceleration data; requiring the  
241 department to develop data elements for district reporting;  
242 requiring rulemaking; amending s. 1004.04, F.S.; requiring  
243 state-approved teacher preparation programs to incorporate  
244 specified gifted student instruction; amending s. 1011.62, F.S.;  
245 requiring certain school district guaranteed allocation  
246 expenditures to be reported separately; creating the Gifted and  
247 Academically Talented Task Force within the department;  
248 designating members; providing for per diem and travel expenses;  
249 requiring the task force to submit a report to the Governor and  
250 Legislature; providing report requirements; providing for  
251 the future abolishment of the task force; providing an effective  
252 date.

253