

Florida Statutes and Rules Relevant to Gifted

Definition:

Section 1003.01(3)(a), Florida Statutes, (F.S.), defines exceptional student as any student determined eligible for a special program in accordance with rules of the State Board of Education (SBE). The term includes students who are gifted and students with disabilities. Section (3)(b) defines “Special education services” to mean specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Examples of services are cited.

District Responsibilities for Gifted Services:

- Section 1003.57, F.S., specifies each district school board - local education agency (LEA) - is responsible for providing an appropriate program of special instruction, facilities, and services for all exceptional students including diagnosis and evaluation; special instruction, classes, and services and entitles the parent to a due process hearing. (1)(c) specifies “A student may not be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the SBE”.
- Section 1008.31, F.S., indicates that it is the intent of the Legislature that (1)(b) the performance accountability system include individual student learning gains and (2)(a) that the mission shall be to increase the proficiency of all students within one seamless, efficient system by allowing students to expand their knowledge and skills through learning opportunities and research of value to students, parents and the community.
- Rule 6A-6.03019, Florida Administrative Code (F.A.C.), establishes minimum eligibility requirements for gifted support services in Florida.
- Rule 6A-6.0331, F.A.C., establishes requirements with regard to the identification, location, evaluation and provision of a free appropriate public education (FAPE) for students both with disabilities and who are gifted. The requirements apply K-12 with regard to the gifted population.
- Rule 6A-6.03313, F.A.C., sets forth procedural safeguards for students who are gifted.
- Rule 6A-6.03311, F.A.C., sets forth Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities. Twice exceptional students will be served with IEPs and will use these safeguards.
- Rule 6A-6.0334, F.A.C., allows a gifted student with an education plan for gifted services in effect from another state or district to be provided with services comparable to those described in the plan from the other state while the district conducts an initial evaluation and develops or adopts an EP that meets the applicable requirements of Rules 6A-6.03011-.0361 F.A.C.

State Board of Education (SBE) Oversight Responsibilities:

- Section 1008.32, F.S., indicates that it is the intent of the Legislature that the SBE shall have the authority to request and receive information, data, and reports from the school districts to enforce all laws and rules.
- Section 1008.33, F.S., indicates that the academic performance of all students has a significant effect on the state school system and the SBE shall enforce accountability requirements to improve the academic performance of all districts, schools, and students.

Funding:

- Section 1011.62, F.S., establishes for each district a guaranteed allocation to provide students who are gifted in grades K-8 a free appropriate public education and indicates that a district's expenditure of funds from the allocation for gifted students in grades 9 through 12 may not be greater than the amount expended for these students during the 2006-07 fiscal year.
- Section 1011.75, F.S., and Rule 6A-7.099, Florida Administrative Code (FAC.), address support for the Challenge Grant Program for the Gifted. The purpose authority for this grant is from 1003.435, F.S., which refers to providing advanced instruction for those students who attain satisfactory performance on the high school equivalency examination or the subject area examinations or who demonstrate through other means a readiness to engage in postsecondary-level academic work.

Certification:

- Section 1012.42, F.S., specifies that the LEA shall assist any teacher out-of-field to pursue competencies as necessary. Parents of all students taught by an out-of-field teacher shall be notified in writing.
- Rule 6A-6.0312, F.A.C., provides that exceptional students (ESE) enrolled in basic courses shall be counted at ESE special program cost factors only if the class is taught by a qualified teacher in a special program for those students.
- Rule 6A-1.0503, F.A.C. defines "qualified instructional personnel".
- Rule 6A-4.01791, F.A.C., sets forth the requirements for the gifted endorsement.

Acceleration:

- Section 1002.3105, F.S., (ACCEL) requires academically challenging curriculum or accelerated instruction K-12.
- Section 1003.21(2), F.S., indicates children must attain the age of 5 years on or before September 1 of the school year to be eligible for admission to public kindergarten. Those who have attained the age of 6 years of age on or before September 1 and have completed

requirements for kindergarten, “or who otherwise meet the criteria for admission or transfer in a manner similar to that applicable to other grades,” may progress according to the district’s student progression plan.

- Section 1003.4281, F.S., allows students the option of early graduation and a standard high school diploma if the student earns 24 credits and meets graduation requirements set forth in s. 1003.4282, F.S.
- Section 1003.4295, F.S., describes accelerated high school graduation options.

Dual Enrollment:

- Section 1007.271(8), F.S., allows students in grades 6-12 to access classes at universities and colleges that count for both high school and college credit for students in grades 6-12, and sets minimum eligibility requirements.

Individual Education Plans (IEPs) and Education Plans for Gifted Students (EPs):

- Rule 6A-6.0331, F.A.C., establishes requirements with regard to the identification, location, evaluation and provision of a free appropriate public education (FAPE) for students both with disabilities and who are gifted. The requirements apply K-12 with regard to the gifted population.
- Rule 6A-6.030191, F.A.C., states the requirements for developing educational plans for students who are gifted.
- Rule 6A-6.03028, F.A.C., explains that students with disabilities ages 3-21 residing in Florida have the right to a free and appropriate public education (FAPE) and this rule explains how individual education plans (IEPs) are to be developed for students with disabilities. This includes twice exceptional (2e) students.
- Rule 6A-6.03313, F.A.C., states the procedural safeguards for students who are gifted.
- Rule 6A-6.03311, F.A.C., states the procedural safeguards for students with disabilities and twice exceptional students.