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1ST SESSION

H. R. 490

To give gifted and talented students the opportunity to develop their capabilities.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2001

Mr. GALLEGLY (for himself, Mr. ETHERIDGE, Mr. WHITFIELD, Mrs. MINK of Hawaii, Mrs. BONO, Mr. BALDACCI, Mr. ENGLISH, Ms. BERKLEY, Mr. BURR of North Carolina, Mr. ALLEN, Mr. LEWIS of Kentucky, Mr. DAVIS of Florida, Mrs. MORELLA, Mr. BOUCHER, Mr. FILNER, Mr. STARK, and Mr. MOORE) introduced the following bill; which was referred to the Committee on the Committee on Education and the Workforce

A BILL

To give gifted and talented students the opportunity to develop their capabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gifted and Talented
5 Students Education Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Gifted and talented students give evidence
2 of high performance capability in specific academic
3 fields, or in areas such as intellectual, creative, artis-
4 tic, or leadership capacity, and require services and
5 activities not ordinarily provided by a school in order
6 to fully develop such capabilities. These children are
7 from all cultural, racial, and ethnic backgrounds,
8 and socioeconomic groups; some have disabilities and
9 for some, English is not their first language. Many
10 of these students have been historically underrep-
11 resented in gifted education programs.

12 (2) Because gifted and talented students gen-
13 erally are more advanced academically, are able to
14 learn more quickly and study in more depth and
15 complexity than others their age, their special edu-
16 cational needs require opportunities and experiences
17 that are different from those generally available in
18 regular education programs.

19 (3) There currently is no Federal requirement
20 to identify or serve the Nation's approximately
21 3,000,000 gifted and talented students.

22 (4) While some States and school districts allo-
23 cate resources to educate gifted and talented stu-
24 dents, others do not. Additionally, State laws and
25 State and local funding, identification, and account-

1 ability mechanisms vary widely, resulting in a vast
2 disparity of services for this special-needs popu-
3 lation.

4 (5) If the United States is to compete success-
5 fully in the global economy, it is important that
6 more students achieve to higher levels, and that
7 highly capable students receive an education that
8 prepares them to perform the highly innovative and
9 challenging work performed in today's workplace.

10 (6) The performance of 12th-grade advanced
11 students in the United States on the Third Inter-
12 national Mathematics and Science Study (TIMSS)
13 was among the lowest in the world. In each of 5
14 physics content areas and in each of 3 math content
15 areas, the performance of physics and advanced
16 mathematics students in the United States was
17 among the lowest of participating countries.

18 (7) Typical elementary school students with
19 academic gifts and talents have already mastered 35
20 to 50 percent of the school year's content in several
21 subject areas before the year begins.

22 (8) In 1990, fewer than 2 cents out of every
23 \$100 spent on elementary and secondary education
24 in the United States was devoted to providing chal-

1 lenging programming for the Nation’s gifted and tal-
2 ented students.

3 (b) PURPOSE.—The purpose of this Act is to provide
4 grants to States to support programs, classes, and other
5 services designed to meet the needs of the Nation’s gifted
6 and talented students in elementary and secondary
7 schools.

8 **SEC. 3. PROGRAM AUTHORIZATION AND ACTIVITIES.**

9 (a) IN GENERAL.—The Secretary is authorized to
10 provide grants to State educational agencies to assist local
11 educational agencies to develop or expand gifted and tal-
12 ented education programs through one or more of the fol-
13 lowing activities:

14 (1) PROFESSIONAL DEVELOPMENT PRO-
15 GRAMS.—A State educational agency may expend
16 funds to develop and implement programs to address
17 State and local needs for inservice training programs
18 for general educators, specialists in gifted and tal-
19 ented education, administrators, school counselors,
20 or other personnel at the elementary and secondary
21 levels.

22 (2) TECHNICAL ASSISTANCE.—A State edu-
23 cational agency may make materials and services
24 available through State regional education service
25 centers, universities, colleges, or other entities.

1 (3) INNOVATIVE PROGRAMS AND SERVICES.—

2 States may support innovative approaches and cur-
3 ricula used by school districts, individual schools, or
4 consortia of schools or school districts.

5 (4) EMERGING TECHNOLOGIES.—States may

6 provide funds for challenging, high-level course
7 work, disseminated through new and emerging tech-
8 nologies (including distance learning), for individual
9 students or groups of students in schools and local
10 educational agencies that do not have the resources
11 otherwise to provide such course work.

12 (b) LIMITATIONS ON USE OF FUNDS.—Activities

13 under subsection (a)(4) may include development of cur-
14 riculum packages, compensation of distance learning edu-
15 cators, or other relevant activities, but funds provided
16 under this Act may not be used for the purchase or up-
17 grading of technological hardware.

18 **SEC. 4. APPLICATION.**

19 (a) IN GENERAL.—To be eligible to receive a grant

20 award under this Act, a State educational agency shall
21 submit an application to the Secretary at such time and
22 in such form and manner as the Secretary may reasonably
23 require.

24 (b) CONTENTS.—The application shall include

25 assurances—

1 (1) that the State educational agency is des-
2 ignated as the agency responsible for the administra-
3 tion and supervision of programs assisted under this
4 Act;

5 (2) of the State educational agency's ability to
6 provide matching funds for the activities to be as-
7 sisted under this Act in an amount equal to not less
8 than 20 percent of the grant funds to be received,
9 provided in cash or in kind;

10 (3) that funds received under this Act shall be
11 used to support gifted and talented students in pub-
12 lic schools, including students from all economic,
13 ethnic, and racial backgrounds, students of limited
14 English proficiency, gifted students with disabilities,
15 and highly gifted students;

16 (4) that not less than 90 percent of the funds
17 provided under the grant shall be used for the pur-
18 pose of making subgrants, on a competitive basis, to
19 local educational agencies;

20 (5) that funds received under this Act shall be
21 used only to supplement, but not supplant, the
22 amount of State and local funds expended for the
23 specialized education and related services provided
24 for the education of gifted and talented students;
25 and

1 (6) that the State educational agency shall de-
2 velop and implement program assessment models to
3 evaluate educational effectiveness and ensure pro-
4 gram accountability.

5 (c) APPROVAL.—To the extent funds are made avail-
6 able for this Act, the Secretary shall approve an applica-
7 tion of a State educational agency if such application
8 meets the requirements of this section.

9 **SEC. 5. STATE USE OF FUNDS.**

10 A State educational agency shall not use more than
11 10 percent of the funds made available under this Act
12 for—

13 (1) establishment and implementation of a peer
14 review process to review applications for subgrants
15 made under section 4(b)(4);

16 (2) supervision of the awarding of funds to local
17 educational agencies or consortia thereof to support
18 gifted and talented students in the State;

19 (3) planning, supervision, and processing of
20 funds made available under this section;

21 (4) monitoring and evaluation of programs and
22 activities assisted under this Act, including the sub-
23 mission of the annual report to the Secretary re-
24 quired in section 8;

1 (5) dissemination of general program informa-
2 tion;

3 (6) providing technical assistance under this
4 Act; and

5 (7) supplementing, but not supplanting, the
6 amount of State and local funds expended for the
7 education of, and related services provided for, the
8 education of gifted and talented students; and

9 (8) providing support for parental education.

10 **SEC. 6. ALLOTMENT TO STATES.**

11 (a) IN GENERAL.—Except as otherwise provided in
12 this section, of the total amount made available for this
13 Act, the Secretary shall award to each State educational
14 agency an amount that bears the same relation to the total
15 amount as the number of children ages 5 through 18 in
16 the State for the preceding academic year bears to the
17 total number of all such children in all States for such
18 year.

19 (b) RESERVATION OF FUNDS.—From the amount
20 made available to carry out this Act for any fiscal year,
21 the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the Sec-
22 retary of the Interior for programs under this Act for
23 teachers, other staff, and administrators in schools oper-
24 ated or funded by the Bureau of Indian Affairs.

1 (c) MINIMUM AWARD.—No State receiving an allot-
2 ment under subsection (a) may receive less than $\frac{1}{2}$ of 1
3 percent of the total amount allotted under such sub-
4 section.

5 (d) REALLOTMENT.—If any State does not apply for
6 an allotment under this section for any fiscal year, the
7 Secretary shall reallocate such amount to the remaining
8 States in accordance with this section.

9 **SEC. 7. COMPETITIVE GRANTS TO STATES.**

10 (a) IN GENERAL.—Under section 10(b), the Sec-
11 retary shall use the funds under this Act for competitive
12 grants to State educational agencies to begin imple-
13 menting activities described in section 3 through competi-
14 tive subgrants to local educational agencies.

15 (b) APPLICATION.—The Secretary shall use the appli-
16 cation described in section 4 for grants awarded under this
17 section.

18 **SEC. 8. REPORTING.**

19 Any State educational agency receiving funds under
20 this Act shall submit a report to the Secretary beginning
21 one year after the date of the enactment of this Act and
22 each subsequent year that describes the number of stu-
23 dents served and the activities supported with funds pro-
24 vided under this Act. The report shall include a descrip-

1 tion of the measures taken to comply with the account-
2 ability requirements of section 4(b).

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) The term “gifted and talented” has the
6 meaning such term has under State law or as such
7 term is defined by the State or local educational
8 agency, or in the case of a State that does not have
9 a law that defines the term and the State or local
10 educational agency has not defined the term, the
11 term has the meaning given such term under section
12 14101(16) of the Elementary and Secondary Edu-
13 cation Act (20 U.S.C. 8801(16)).

14 (2) The term “Secretary” means the Secretary
15 of Education.

16 (3) The term “State” means each of the 50
17 States, the District of Columbia, and the Common-
18 wealth of Puerto Rico.

19 (4) The term “State educational agency” has
20 the same meaning given such term in section
21 14101(28) of the Elementary and Secondary Edu-
22 cation Act (20 U.S.C. 8801(28)).

23 (5) The term “local educational agency” has
24 the same meaning given such term in section

1 14101(18) of the Elementary and Secondary Edu-
2 cation Act (20 U.S.C. 8801(18)).

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated \$160,000,000 to carry out this Act for each of
6 fiscal years 2002, 2003, 2004, 2005, and 2006.

7 (b) TRIGGER.—Notwithstanding any other provision
8 of this Act, if the amount appropriated under subsection
9 (a) for a fiscal year is less than \$50,000,000, the Sec-
10 retary shall implement the grant program described in sec-
11 tion 7.

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