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S. 421

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

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

Mr. GRASSLEY (for himself, Mr. CLELAND, Mr. COCHRAN, Mr. WELLSTONE, Mr. DEWINE, Mr. BAUCUS, Mr. McCONNELL, Mr. JOHNSON, Mr. BUNNING, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 makes the following
8 findings:

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 or
5 activities not ordinarily provided by a school in order
6 to fully develop such capabilities. Gifted and talented
7 students are from all cultural, racial, and ethnic
8 backgrounds, and socioeconomic groups. Some such
9 students have disabilities and for some, English is
10 not their first language. Many students from such
11 diverse backgrounds have been historically underrep-
12 resented in gifted education programs.

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

20 (3) Parents and families are essential partners
21 to schools in developing appropriate educational
22 services for gifted and talented students. They need
23 access to information, research, and support regard-
24 ing the characteristics of gifted children and their
25 educational and social and emotional needs, as well

1 as information on available strategies and resources
2 for education in State and local communities.

3 (4) There currently is no Federal requirement
4 to identify or serve the Nation's approximately
5 3,000,000 gifted and talented students.

6 (5) While some States and local educational
7 agencies allocate resources to educate gifted and tal-
8 ented students, others do not. Additionally, State
9 laws and State and local funding, identification, and
10 accountability mechanisms vary widely, resulting in
11 a vast disparity of services for this special-needs
12 population.

13 (6) If the United States is to compete success-
14 fully in the global economy, it is important that
15 more students achieve to higher levels, and that
16 highly capable students receive an education that
17 prepares them to perform the most highly innovative
18 and creative work that is necessary in today's work-
19 place.

20 (7) The performance of twelfth-grade advanced
21 students in the United States on the Third Inter-
22 national Mathematics and Science Study (TIMSS)
23 was among the lowest in the world. In each of 5
24 physics content areas in the study and in each of 3
25 math content areas in the study, the performance of

1 physics and advanced mathematics students in the
2 United States was among the lowest of the partici-
3 pating countries.

4 (8) Elementary school students who are gifted
5 and talented have already mastered 35 to 50 percent
6 of the material covered in a school year in several
7 subject areas before the school year begins.

8 (9) In 1990, fewer than 2 cents out of every
9 \$100 spent on elementary and secondary education
10 in the United States was devoted to providing chal-
11 lenging programming for the Nation's gifted and tal-
12 ented students.

13 (b) PURPOSE.—The purpose of this Act is to provide
14 grants to States to support programs, classes, and other
15 services designed to meet the needs of the Nation's gifted
16 and talented students in elementary schools and secondary
17 schools.

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

19 (a) IN GENERAL.—If the amount appropriated under
20 section 11 for a fiscal year equals or exceeds \$50,000,000,
21 then the Secretary may award grants to State educational
22 agencies from allotments under section 4 to enable the
23 State educational agencies to award grants to local edu-
24 cational agencies under section 6 for developing or expand-
25 ing gifted and talented education programs, and providing

1 direct educational services and materials through 1 or
2 more of the following activities:

3 (1) Developing and implementing programs to
4 address State and local needs for inservice training
5 programs for general educators, specialists in gifted
6 and talented education, administrators, school coun-
7 selors, or other personnel at the elementary and sec-
8 ondary levels.

9 (2) Making materials and services available
10 through State regional education service centers,
11 universities, colleges, or other entities.

12 (3) Providing direct educational services and
13 materials to gifted and talented students, which may
14 include curriculum compacting, modified or adapted
15 curriculum, acceleration, independent study, and
16 dual enrollment.

17 (4) Supporting innovative approaches and cur-
18 ricula used by local educational agencies, individual
19 schools, or consortia of schools or local educational
20 agencies.

21 (5) Providing challenging, high-level course
22 work to individual students or groups of students in
23 schools and school districts that do not have the re-
24 sources to otherwise provide the courses through
25 new and emerging technologies, including distance

learning, developing curriculum packages, compensating distance-learning educators, or providing other relevant activities or services, but not for purchasing or upgrading of technological hardware.

(b) STATE INFRASTRUCTURE COSTS.—

(1) IN GENERAL.—A State educational agency may use not more than 10 percent of the funds received under this Act for—

(A) establishment and implementation of a peer review process for grant applications under section 7;

(B) supervision of the awarding of funds to local educational agencies (including consortia of local educational agencies) to support gifted and talented students in the State;

(C) planning, supervision, and processing of funds made available under this Act;

(D) monitoring and evaluation of programs and activities assisted under this Act;

(E) dissemination of general program information;

(F) creating a State gifted education advisory board; and

(G) providing technical assistance under this section.

1 (2) EDUCATION AND SUPPORT.—Not more than
 2 2 percent of the total amount received under this
 3 Act by the State may be used by the State edu-
 4 cational agency to provide information, education,
 5 and support to parents and caregivers of gifted and
 6 talented children to enhance their ability to partici-
 7 pate in decisions regarding their children’s edu-
 8 cational programs. Such education, information, and
 9 support shall be developed and carried out by par-
 10 ents and caregivers or by parents and caregivers in
 11 partnership with the State.

12 **SEC. 4. ALLOTMENT TO STATES.**

13 (a) RESERVATION OF FUNDS.—From the amount
 14 made available to carry out this Act for any fiscal year,
 15 the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the Sec-
 16 retary of the Interior for programs under this Act for
 17 teachers, other staff, and administrators in schools oper-
 18 ated or funded by the Bureau of Indian Affairs.

19 (b) FORMULA.—Except as provided in subsection (c),
 20 from the total amount made available to carry out this
 21 Act for a fiscal year that remains after making the res-
 22 ervation under subsection (a), the Secretary shall allot to
 23 each State an amount that bears the same relation to the
 24 total remaining amount as the number of children ages
 25 5 through 18 in the State for the preceding academic year

1 bears to the total number of all such children in all States
2 for such year.

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

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

11 **SEC. 5. STATE APPLICATIONS.**

12 (a) IN GENERAL.—To be eligible to receive a grant
13 under section 3 or 8, a State educational agency shall sub-
14 mit an application to the Secretary at such time, in such
15 manner, and accompanied by such information as the Sec-
16 retary may reasonably require.

17 (b) CONTENTS.—The application described in sub-
18 section (a) shall include assurances—

19 (1) that the State educational agency is des-
20 ignated as the agency responsible for the administra-
21 tion and supervision of programs assisted under this
22 Act;

23 (2) of the State educational agency's ability to
24 provide matching funds for the activities to be as-
25 sisted under this Act in an amount equal to not less

1 than 20 percent of the grant funds to be received,
2 which matching funds shall be provided in cash or
3 in-kind;

4 (3) that funds received under this Act shall be
5 used to identify and support gifted and talented stu-
6 dents, including students from all economic, ethnic,
7 and racial backgrounds, students of limited English
8 proficiency, students with disabilities, and highly
9 gifted students;

10 (4) that funds received under this Act shall be
11 used only to supplement, not supplant, the amount
12 of State and local funds expended for the specialized
13 education and related services provided for the edu-
14 cation of gifted and talented students; and

15 (5) that the State shall develop and implement
16 program assessment models to evaluate educational
17 effectiveness and ensure program accountability.

18 (c) APPROVAL.—The Secretary shall approve an ap-
19 plication of a State educational agency under this section
20 if such application meets the requirements of this section.

21 **SEC. 6. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.**

22 (a) GRANT COMPETITION.—A State educational
23 agency shall use not less than 88 percent of the funds
24 made available to the State education agency under this
25 Act to award grants, on a competitive basis, to local edu-

1 cational agencies (including consortia of local educational
2 agencies) to support programs, classes, and other services
3 designed to meet the needs of gifted and talented students.

4 (b) SIZE OF GRANT.—A State educational agency
5 shall award a grant under subsection (a) for any fiscal
6 year in an amount sufficient to meet the needs of the stu-
7 dents to be served under the grant.

8 **SEC. 7. LOCAL APPLICATIONS.**

9 (a) APPLICATION.—To be eligible to receive a grant
10 under this Act, a local educational agency (including a
11 consortium of local educational agencies) shall submit an
12 application to the State educational agency.

13 (b) CONTENTS.—Each such application shall
14 include—

15 (1) an assurance that the funds received under
16 this Act will be used to identify and support gifted
17 and talented students, including gifted and talented
18 students from all economic, ethnic, and racial back-
19 grounds, such students of limited English pro-
20 ficiency, and such students with disabilities;

21 (2) a description of how the local educational
22 agency will meet the educational needs of gifted and
23 talented students, including the training of personnel
24 in the education of gifted and talented students; and

1 (3) an assurance that funds received under this
2 Act will be used to supplement, not supplant, the
3 amount of funds the local educational agency ex-
4 pends for the education of and related services for,
5 the education of gifted and talented students.

6 **SEC. 8. COMPETITIVE GRANTS TO STATES.**

7 If the amount appropriated under section 11 for a
8 fiscal year is less than \$50,000,000, then the Secretary
9 may use the funds that are not reserved under section 4(a)
10 to award grants, on a competitive basis, to State edu-
11 cational agencies to enable the State educational agencies
12 to begin implementing activities described in section 3
13 through the awarding of grants on a competitive basis to
14 local educational agencies.

15 **SEC. 9. REPORTING.**

16 Not later than 1 year after the date of enactment
17 of this Act and for each subsequent year thereafter, the
18 State educational agency shall submit an annual report
19 to the Secretary that describes the number of students
20 served and the activities supported with funds provided
21 under this Act. The report shall include a description of
22 the measures taken to comply with the accountability re-
23 quirements of section 5(b)(5).

24 **SEC. 10. DEFINITIONS.**

25 In this Act:

1 (1) GIFTED AND TALENTED.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the term “gifted and tal-
4 ented” when used with respect to a person or
5 program—

6 (i) has the meaning given the term
7 under applicable State law; or

8 (ii) in the case of a State that does
9 not have a State law defining the term,
10 has the meaning given such term by defini-
11 tion of the State educational agency or
12 local educational agency involved.

13 (B) SPECIAL RULE.—In the case of a
14 State that does not have a State law that de-
15 fines the term, and the State educational agen-
16 cy or local educational agency has not defined
17 the term, the term has the meaning given the
18 term in section 14101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C.
20 8801).

21 (2) LOCAL EDUCATIONAL AGENCY.—The term
22 “local educational agency” has the meaning given
23 the term in section 14101 of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 8801).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (4) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, and the
5 Commonwealth of Puerto Rico.

6 (5) STATE EDUCATIONAL AGENCY.—The term
7 “State educational agency” has the meaning given
8 the term in section 14101 of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 8801).

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this Act, \$160,000,000 for each of fiscal years 2002,
13 2003, 2004, 2005, and 2006.

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