

108TH CONGRESS
1ST SESSION

H. R. 1191

To provide a grant program for gifted and talented students, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide a grant program for gifted and talented students, and for other purposes.

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. GRANT PROGRAM FOR GIFTED AND TALENTED**
4 **STUDENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Gifted and Talented Students Education Act of 2003”.

7 (b) AMENDMENT.—Subpart 6 of part D of title V of
8 the Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 7253 et seq.) is amended by adding at the end
10 the following:

1 **“Chapter B—Grant Program For Gifted and Talented**
2 **Students**

3 **“SEC. 5467. FINDINGS; ESTABLISHMENT OF PROGRAM; AU-**
4 **THORIZED ACTIVITIES.**

5 “(a) FINDINGS.—Congress makes the following find-
6 ings:

7 “(1) Gifted and talented students give evidence
8 of high performance capability in specific academic
9 fields, or in areas such as intellectual, creative, artis-
10 tic, or leadership capacity, and require services or
11 activities not ordinarily provided by a school in order
12 to fully develop such capabilities. Gifted and talented
13 students are from all cultural, racial, and ethnic
14 backgrounds, and socioeconomic groups. Some such
15 students have disabilities and for some, English is
16 not their first language. Many students from such
17 diverse backgrounds have been historically underrep-
18 resented in gifted education programs.

19 “(2) Elementary school students who are gifted
20 and talented have already mastered 35 to 50 percent
21 of the material covered in a school year in several
22 subject areas before the school year begins.

23 “(3) Elementary school and secondary school
24 teachers have students in their classrooms with a
25 wide variety of traits, characteristics, and needs.
26 Most teachers receive some training to meet the

1 needs of these students, such as students with lim-
2 ited English proficiency, students with disabilities,
3 and students from diverse cultural and racial back-
4 grounds. However, most teachers do not receive
5 training on meeting the needs of students who are
6 gifted and talented.

7 “(4) While the families or communities of some
8 gifted students can provide private programs with
9 appropriately trained staff to supplement public edu-
10 cational offerings, most high-ability students, espe-
11 cially those from inner cities, rural communities, or
12 low-income families, must rely on the services and
13 personnel provided by public schools. Therefore, gift-
14 ed education programs, provided by qualified profes-
15 sionals in the public schools, are needed to provide
16 equal educational opportunities.

17 “(5) Parents and families are essential partners
18 to schools in developing appropriate educational
19 services for gifted and talented students. They need
20 access to information, research, and support regard-
21 ing the characteristics of gifted children and their
22 educational, and social and emotional needs, as well
23 as information on available strategies and resources
24 for education in State and local communities.

1 “(6) There currently is no Federal requirement
2 to identify or serve the Nation’s approximately
3 3,000,000 gifted and talented students.

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

11 “(8) To meet the future economic and national
12 security needs of the United States, it is important
13 that more students achieve to higher levels, and that
14 highly capable students receive an education that
15 prepares them to perform the most highly innovative
16 and creative work that is necessary to secure our
17 Nation’s position in the world.

18 “(9) The performance of twelfth-grade ad-
19 vanced students in the United States on the Third
20 International Mathematics and Science Study
21 (TIMSS) was among the lowest in the world. In
22 each of 5 physics content areas in the study and
23 in each of 3 mathematics content areas in the study,
24 the performance of physics and advanced mathe-

1 matics students in the United States was among the
2 lowest of the participating countries.

3 “(10) In 1990, fewer than 2 cents out of every
4 \$100 spent on elementary and secondary education
5 in the United States was devoted to providing chal-
6 lenging programming for the Nation’s gifted and tal-
7 ented students.

8 “(b) PROGRAM AUTHORIZED.—

9 “(1) COMPETITIVE GRANTS TO STATES.—If the
10 amount appropriated under section 5468 for a fiscal
11 year is greater than \$7,500,000 but less than
12 \$57,500,000, then the Secretary may use such
13 amount to award grants, on a competitive basis, to
14 State educational agencies to enable the State edu-
15 cational agencies to award grants to local edu-
16 cational agencies under section 5467C for developing
17 or expanding gifted and talented education pro-
18 grams, and providing direct educational services and
19 materials.

20 “(2) FORMULA GRANTS TO STATES.—If the
21 amount appropriated under section 5468 for a fiscal
22 year equals or exceeds \$57,500,000, then the Sec-
23 retary may use such amount to award grants to
24 State educational agencies, from allotments under
25 section 5467B, to enable the State educational agen-

1 cies to award grants to local educational agencies
2 under section 5467C for developing or expanding
3 gifted and talented education programs, and pro-
4 viding direct educational services and materials.

5 “(c) AUTHORIZED ACTIVITIES.—Grant funds pro-
6 vided under this chapter shall be used to carry out 1 or
7 more of the following activities:

8 “(1) Any activity described in paragraph (2),
9 (4), (6), or (7) of section 5464(b).

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

15 “(d) LIMITATIONS ON USE OF FUNDS.—

16 “(1) COURSE WORK PROVIDED THROUGH
17 EMERGING TECHNOLOGIES.—Grant funds provided
18 under this chapter that are used for activities de-
19 scribed in section 5464(b)(7) may include develop-
20 ment of curriculum packages, compensation of dis-
21 tance-learning educators, or other relevant activities,
22 but grant funds provided under this chapter may not
23 be used for the purchase or upgrading of techno-
24 logical hardware.

25 “(2) STATE USE OF FUNDS.—

1 “(A) IN GENERAL.—A State educational
2 agency receiving a grant under this chapter
3 may not use more than 10 percent of the grant
4 funds for—

5 “(i) dissemination of general program
6 information;

7 “(ii) providing technical assistance
8 under this chapter;

9 “(iii) monitoring and evaluation of
10 programs and activities assisted under this
11 chapter;

12 “(iv) providing support for parental
13 education; or

14 “(v) creating a State gifted education
15 advisory board.

16 “(B) ADMINISTRATIVE COSTS.—A State
17 educational agency may use not more than 50
18 percent of the funds made available to the State
19 educational agency under subparagraph (A) for
20 administrative costs.

21 **“SEC. 5467A. ALLOTMENTS TO STATES.**

22 “(a) RESERVATION OF FUNDS.—From the amount
23 made available to carry out this chapter for any fiscal
24 year, the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the
25 Secretary of the Interior for programs under this chapter

1 for teachers, other staff, and administrators in schools op-
2 erated or funded by the Bureau of Indian Affairs.

3 “(b) STATE ALLOTMENTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall allot the total amount
6 made available to carry out this chapter for any fis-
7 cal year and not reserved under subsection (a) to the
8 States on the basis of their relative populations of
9 individuals aged 5 through 17, as determined by the
10 Secretary on the basis of the most recent satisfac-
11 tory data.

12 “(2) MINIMUM GRANT AMOUNT.—No State re-
13 ceiving an allotment under paragraph (1) may re-
14 ceive less than $\frac{1}{2}$ of 1 percent of the total amount
15 allotted under such paragraph.

16 “(c) REALLOTMENT.—If any State does not apply for
17 an allotment under this section for any fiscal year, then
18 the Secretary shall reallocate such amount to the remaining
19 States in accordance with this section.

20 **“SEC. 5467B. STATE APPLICATION.**

21 “(a) IN GENERAL.—To be eligible to receive a grant
22 under this chapter, a State educational agency shall sub-
23 mit an application to the Secretary at such time, in such
24 manner, and containing such information as the Secretary
25 may reasonably require.

1 “(b) CONTENTS.—Each application under this sec-
2 tion shall include assurances that—

3 “(1) the funds received under this chapter will
4 be used to identify and support gifted and talented
5 students, including gifted and talented students
6 from all economic, ethnic, and racial backgrounds,
7 such students of limited English proficiency, and
8 such students with disabilities;

9 “(2) the funds not retained by the State edu-
10 cational agency shall be used for the purpose of
11 making, in accordance with this chapter and on a
12 competitive basis, grants to local educational agen-
13 cies;

14 “(3) the funds received under this chapter shall
15 be used only to supplement, but not supplant, the
16 amount of State and local funds expended for the
17 education of, and related services for, gifted and tal-
18 ented students;

19 “(4) the State educational agency will provide
20 matching funds for the activities to be assisted
21 under this chapter in an amount equal to not less
22 than 10 percent of the grant funds to be received,
23 which matching funds may be provided in cash or
24 in kind; and

1 “(5) the State educational agency shall develop
2 and implement program assessment models to en-
3 sure program accountability and to evaluate edu-
4 cational effectiveness.

5 “(c) APPROVAL.—To the extent funds are made
6 available to carry out this chapter, the Secretary shall ap-
7 prove an application of a State if such application meets
8 the requirements of this section.

9 **“SEC. 5467C. DISTRIBUTION TO LOCAL EDUCATIONAL**
10 **AGENCIES.**

11 “(a) GRANT COMPETITION.—A State educational
12 agency shall use not less than 90 percent of the funds
13 made available to the State educational agency under this
14 chapter to award grants to local educational agencies (in-
15 cluding consortia of local educational agencies) to enable
16 the local educational agencies to carry out the authorized
17 activities described in section 5467(c).

18 “(b) COMPETITIVE PROCESS.—Funds provided under
19 this chapter to local educational agencies shall be distrib-
20 uted to local educational agencies through a competitive
21 process that results in an equitable distribution by geo-
22 graphic area within the State.

23 “(c) SIZE OF GRANT.—A State educational agency
24 shall award a grant under subsection (a) for any fiscal

1 year in an amount sufficient to meet the needs of the stu-
2 dents to be served under the grant.

3 **“SEC. 5467D. LOCAL APPLICATIONS.**

4 “(a) APPLICATION.—To be eligible to receive a grant
5 under this chapter, a local educational agency (including
6 a consortium of local educational agencies) shall submit
7 an application to the State educational agency.

8 “(b) CONTENTS.—Each application under this sec-
9 tion shall include—

10 “(1) an assurance that the funds received under
11 this chapter will be used to identify and support gift-
12 ed and talented students, including gifted and tal-
13 ented students from all economic, ethnic, and racial
14 backgrounds, such students of limited English pro-
15 ficiency, and such students with disabilities;

16 “(2) a description of how the local educational
17 agency will meet the educational needs of gifted and
18 talented students, including the training of personnel
19 in the education of gifted and talented students; and

20 “(3) an assurance that funds received under
21 this chapter will be used to supplement, not sup-
22 plant, the amount of funds the local educational
23 agency expends for the education of, and related
24 services for, gifted and talented students.

1 **“SEC. 5467E. ANNUAL REPORTING.**

2 “Beginning 1 year after the date of enactment of the
3 Gifted and Talented Students Education Act of 2003 and
4 for each year thereafter, the State educational agency
5 shall submit an annual report to the Secretary that de-
6 scribes the number of students served and the activities
7 supported with funds provided under this chapter. The re-
8 port shall include a description of the measures taken to
9 comply with paragraphs (1) and (4) of section 5467B(b).

10 **“SEC. 5467F. CONSTRUCTION.**

11 “Nothing in this chapter shall be construed to pro-
12 hibit a recipient of funds under this chapter from serving
13 gifted and talented students simultaneously with students
14 with similar educational needs, in the same educational
15 settings where appropriate.

16 **“SEC. 5467G. PARTICIPATION OF PRIVATE SCHOOL CHIL-**
17 **DREN AND TEACHERS.**

18 “In making grants under this chapter, the Secretary
19 shall ensure, where appropriate, that provision is made for
20 the equitable participation of students and teachers in pri-
21 vate nonprofit elementary schools and secondary schools,
22 including the participation of teachers and other personnel
23 in professional development programs serving such chil-
24 dren.

25 **“SEC. 5467H. DEFINITIONS.**

26 “For purposes of this chapter:

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 9101.

19 “(2) STATE.—The term ‘State’ means each of
20 the 50 States, the District of Columbia, and the
21 Commonwealth of Puerto Rico.

1 **“Chapter C—Authorization of Appropriations**

2 **“SEC. 5468. AUTHORIZATION OF APPROPRIATIONS.**

3 “There are authorized to be appropriated to carry out
4 this subpart \$170,000,000 for each of fiscal years 2004
5 through 2010, of which—

6 “(1) \$7,500,000 shall be available for each fis-
7 cal year to carry out chapter A; and

8 “(2) the remainder shall be available for each
9 fiscal year to carry out chapter 2.”.

10 **SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.**

11 Subpart 6 of part D of title V of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C. 7253 et
13 seq.) is amended—

14 (1) by inserting after the subpart designation
15 the following:

16 **“Chapter A—Jacob K. Javits Gifted and Talented**
17 **Students Education Program”;**

18 (2) in section 5461 (20 U.S.C. 7253), by strik-
19 ing “This part” and inserting “This chapter”;

20 (3) by striking “this part” each place the term
21 appears and inserting “this chapter”; and

22 (4) in section 5464 (20 U.S.C. 7253c)—

23 (A) by striking subsection (c); and

24 (B) by redesignating subsections (d) and
25 (e) as subsections (c) and (d), respectively.