

108TH CONGRESS  
1ST SESSION

# S. 501

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

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2003

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

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## 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

1 U.S.C. 7253 et seq.) is amended by adding at the end  
2 the following:

3 **“Chapter B—Grant Program For Gifted and Talented**  
4 **Students**

5 **“SEC. 5467. FINDINGS; ESTABLISHMENT OF PROGRAM; AU-**  
6 **THORIZED ACTIVITIES.**

7 “(a) FINDINGS.—Congress makes the following find-  
8 ings:

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

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

1           “(3) Elementary school and secondary school  
2 teachers have students in their classrooms with a  
3 wide variety of traits, characteristics, and needs.  
4 Most teachers receive some training to meet the  
5 needs of these students, such as students with lim-  
6 ited English proficiency, students with disabilities,  
7 and students from diverse cultural and racial back-  
8 grounds. However, most teachers do not receive  
9 training on meeting the needs of students who are  
10 gifted and talented.

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

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

1 educational, and social and emotional needs, as well  
2 as information on available strategies and resources  
3 for education in State and local communities.

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

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

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

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

1 each of 3 mathematics content areas in the study,  
2 the performance of physics and advanced mathe-  
3 matics students in the United States was among the  
4 lowest of the participating countries.

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

10 “(b) PROGRAM AUTHORIZED.—

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

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

1 State educational agencies, from allotments under  
 2 section 5467B, to enable the State educational agen-  
 3 cies to award grants to local educational agencies  
 4 under section 5467C for developing or expanding  
 5 gifted and talented education programs, and pro-  
 6 viding direct educational services and materials.

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

10 “(1) Any activity described in paragraph (2),  
 11 (4), (6), or (7) of section 5464(b).

12 “(2) 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 “(d) LIMITATIONS ON USE OF FUNDS.—

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

1       be used for the purchase or upgrading of techno-  
2       logical hardware.

3               “(2) STATE USE OF FUNDS.—

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

8               “(i) dissemination of general program  
9       information;

10              “(ii) providing technical assistance  
11      under this chapter;

12              “(iii) monitoring and evaluation of  
13      programs and activities assisted under this  
14      chapter;

15              “(iv) providing support for parental  
16      education; or

17              “(v) creating a State gifted education  
18      advisory board.

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

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

2       “(a) RESERVATION OF FUNDS.—From the amount  
3 made available to carry out this chapter for any fiscal  
4 year, the Secretary shall reserve  $\frac{1}{2}$  of 1 percent for the  
5 Secretary of the Interior for programs under this chapter  
6 for teachers, other staff, and administrators in schools op-  
7 erated or funded by the Bureau of Indian Affairs.

8       “(b) STATE ALLOTMENTS.—

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

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

21       “(c) REALLOTMENT.—If any State does not apply for  
22 an allotment under this section for any fiscal year, then  
23 the Secretary shall realLOT such amount to the remaining  
24 States in accordance with this section.



1 **“SEC. 5467B. STATE APPLICATION.**

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

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

9 “(1) the funds received under this chapter will  
10 be used to identify and support gifted and talented  
11 students, including gifted and talented students  
12 from all economic, ethnic, and racial backgrounds,  
13 such students of limited English proficiency, and  
14 such students with disabilities;

15 “(2) the funds not retained by the State edu-  
16 cational agency shall be used for the purpose of  
17 making, in accordance with this chapter and on a  
18 competitive basis, grants to local educational agen-  
19 cies;

20 “(3) the funds received under this chapter shall  
21 be used only to supplement, but not supplant, the  
22 amount of State and local funds expended for the  
23 education of, and related services for, gifted and tal-  
24 ented students;

25 “(4) the State educational agency will provide  
26 matching funds for the activities to be assisted

1 under this chapter in an amount equal to not less  
2 than 10 percent of the grant funds to be received,  
3 which matching funds may be provided in cash or in  
4 kind; and

5 “(5) the State educational agency shall develop  
6 and implement program assessment models to en-  
7 sure program accountability and to evaluate edu-  
8 cational effectiveness.

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

13 **“SEC. 5467C. DISTRIBUTION TO LOCAL EDUCATIONAL**  
14 **AGENCIES.**

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

22 “(b) COMPETITIVE PROCESS.—Funds provided under  
23 this chapter to local educational agencies shall be distrib-  
24 uted to local educational agencies through a competitive

1 process that results in an equitable distribution by geo-  
 2 graphic area within the State.

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

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

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

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

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

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

24 “(3) an assurance that funds received under  
 25 this chapter will be used to supplement, not sup-

1 plant, the amount of funds the local educational  
2 agency expends for the education of, and related  
3 services for, gifted and talented students.

4 **“SEC. 5467E. ANNUAL REPORTING.**

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

13 **“SEC. 5467F. CONSTRUCTION.**

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

19 **“SEC. 5467G. PARTICIPATION OF PRIVATE SCHOOL CHIL-**  
20 **DREN AND TEACHERS.**

21 “In making grants under this chapter, the Secretary  
22 shall ensure, where appropriate, that provision is made for  
23 the equitable participation of students and teachers in pri-  
24 vate nonprofit elementary schools and secondary schools,  
25 including the participation of teachers and other personnel

1 in professional development programs serving such chil-  
 2 dren.

3 **“SEC. 5467H. DEFINITIONS.**

4 “For purposes of this chapter:

5 “(1) GIFTED AND TALENTED.—

6 “(A) IN GENERAL.—Except as provided in  
 7 subparagraph (B), the term ‘gifted and tal-  
 8 ented’ when used with respect to a person or  
 9 program—

10 “(i) has the meaning given the term  
 11 under applicable State law; or

12 “(ii) in the case of a State that does  
 13 not have a State law defining the term,  
 14 has the meaning given such term by defini-  
 15 tion of the State educational agency or  
 16 local educational agency involved.

17 “(B) SPECIAL RULE.—In the case of a  
 18 State that does not have a State law that de-  
 19 fines the term, and the State educational agen-  
 20 cy or local educational agency has not defined  
 21 the term, the term has the meaning given the  
 22 term in section 9101.

23 “(2) STATE.—The term ‘State’ means each of  
 24 the 50 States, the District of Columbia, and the  
 25 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.