

113TH CONGRESS
1ST SESSION

H. R. 2338

To amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented and high-ability learners by empowering the Nation’s teachers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2013

Mr. POLIS (for himself and Mr. LATHAM) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented and high-ability learners by empowering the Nation’s teachers, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the “To
5 Aid Gifted and High-Ability Learners by Empowering the
6 Nation’s Teachers Act” or the “TALENT Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. References.

TITLE I—IMPROVING BASIC PROGRAM REQUIREMENTS

Sec. 101. State plans.
 Sec. 102. Annual State report cards.
 Sec. 103. Local educational agency plans.
 Sec. 104. National Assessment of title I.

TITLE II—IMPROVING TEACHING FOR GIFTED AND TALENTED STUDENTS

Sec. 201. State applications.
 Sec. 202. Local applications and needs assessments.
 Sec. 203. Local use of funds.
 Sec. 204. Subgrants to eligible partnerships.

TITLE III—GIFTED AND TALENTED STUDENTS IN RURAL SCHOOLS

Sec. 301. Small rural school achievement program.
 Sec. 302. Rural and low-income school program.

TITLE IV—SUPPORTING ESSENTIAL RESEARCH ON THE LEARNING NEEDS OF GIFTED AND TALENTED STUDENTS

Sec. 401. Supporting essential research on the learning needs of gifted and talented students.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.
 Sec. 502. Amendments to other laws.
 Sec. 503. Effective Date.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) Academically gifted and talented students
 6 make up an estimated 6 to 10 percent of the pre-
 7 kindergarten through grade 12 student population,
 8 totaling between 3,000,000 and 6,000,000 students.

9 (2) There is a growing excellence gap at the
 10 highest levels of achievement between the perform-

1 ance of subgroups of students, particularly between
2 the performance of students who are African-Amer-
3 ican or Hispanic and the performance of White stu-
4 dents, and between low-income students compared to
5 their more advantaged peers, on statewide assess-
6 ments and on the National Assessment of Edu-
7 cational Progress.

8 (3) Advanced students in the United States lag
9 behind the performance of similar students in other
10 countries, which puts the Nation at a competitive
11 disadvantage.

12 (4) Gifted and talented students, and high-abil-
13 ity students who have not been formally identified
14 for gifted education services, require modifications to
15 the general education curriculum to fully meet their
16 potential.

17 (5) Effective assessment and instruction of gift-
18 ed and talented students requires educators to have
19 specialized knowledge and skills.

20 (6) Ninety percent of teachers nationwide want
21 more professional development focused on the skills
22 necessary for teaching advanced students.

23 (7) Interventions and strategies that have been
24 demonstrated to be successful with gifted and tal-

1 ented students can be modified to improve the
2 achievement of all students.

3 (8) The availability of gifted education pro-
4 grams and services to students who require such
5 services is unequal and often relies solely on local re-
6 sources and leadership, leaving many high-ability
7 students from rural areas or who are English lan-
8 guage learners or Hispanic, African-American, or
9 Native American, among others, without access to
10 appropriate services.

11 (9) There are an estimated 360,000 students in
12 the United States who are both gifted and have a
13 disability. These “twice exceptional” children present
14 special challenges because their disability often
15 masks their academic potential or their academic
16 strengths may mask their disability, resulting in a
17 lack of services and supports for this student popu-
18 lation.

19 (10) The development and dissemination of re-
20 search and national data on gifted and talented stu-
21 dents is necessary to—

22 (A) guide evidence-based classroom prac-
23 tices vital to meeting the unique needs of this
24 population of students; and

1 (B) contribute to the decisionmaking of
2 educators, families, and policymakers.

3 **SEC. 3. REFERENCES.**

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the Elementary and Sec-
9 ondary Education Act (20 U.S.C. 6301 et seq.).

10 **TITLE I—IMPROVING BASIC**
11 **PROGRAM REQUIREMENTS**

12 **SEC. 101. STATE PLANS.**

13 (a) ACCOUNTABILITY.—Section 1111(b)(2)(A) (20
14 U.S.C. 6311(b)(2)(A)) is amended—

15 (1) in clause (ii), by striking “and” after the
16 semicolon;

17 (2) in clause (iii), by striking the period at the
18 end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(iv) include a recognition program
21 for local educational agencies in the State
22 that, for each category of students de-
23 scribed in subparagraph (C)(v), signifi-
24 cantly increase the proportion of students
25 scoring at or above the advanced level of

1 achievement on the State academic assess-
2 ments under paragraph (3).”.

3 (b) STATE ASSESSMENTS.—Section 1111(b)(3)(C)
4 (20 U.S.C. 6311(b)(3)(C)) is amended—

5 (1) in clause (xiv), by striking “and” after the
6 semicolon;

7 (2) in clause (xv), by striking the period and in-
8 serting “; and”; and

9 (3) by adding at the end the following:

10 “(xvi) measure individual academic
11 achievement, including measuring above
12 grade level achievement.”.

13 (c) ACCOUNTABILITY SYSTEM.—Section 1111(b)(8)
14 (20 U.S.C. 6311(b)(8)) is amended—

15 (1) in subparagraph (D), by striking “and”
16 after the semicolon;

17 (2) by redesignating subparagraph (E) as sub-
18 paragraph (F); and

19 (3) by inserting after subparagraph (D) the fol-
20 lowing:

21 “(E) the specific steps the State edu-
22 cational agency will take to assist each local
23 educational agency and school affected by the
24 State plan to provide additional educational as-
25 sistance to individual students who—

1 “(i) perform at the advanced level of
 2 achievement on the State academic assess-
 3 ments described in paragraph (3); and

4 “(ii) are gifted and talented (including
 5 high-ability students who have not been
 6 formally identified for gifted education
 7 services); and”.

8 **SEC. 102. ANNUAL STATE REPORT CARDS.**

9 Section 1111(h)(1)(C) (20 U.S.C. 6311(h)(1)(C)) is
 10 amended—

11 (1) in clause (vii), by striking “; and” and in-
 12 serting a semicolon;

13 (2) by redesignating clause (viii) as clause (ix);
 14 and

15 (3) by inserting after clause (vii) the following:

16 “(viii) a comparison of the perform-
 17 ance of students between different local
 18 educational agencies across the State at
 19 each level of achievement described in sub-
 20 section (b)(1)(D)(ii), disaggregated by the
 21 subgroups described in subsection
 22 (b)(2)(C)(v); and”.

23 **SEC. 103. LOCAL EDUCATIONAL AGENCY PLANS.**

24 (a) PLAN PROVISIONS.—Section 1112(b)(1) (20
 25 U.S.C. 6312(b)(1)) is amended—

1 (1) in subparagraph (P), by striking “and”
2 after the semicolon;

3 (2) in subparagraph (Q), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(R) a description of how the local edu-
7 cational agency will identify gifted and talented
8 students, including high-ability students who
9 have not previously been formally identified for
10 gifted education services, and implement edu-
11 cational approaches at the elementary and sec-
12 ondary levels to support the learning needs of
13 gifted and talented students to ensure that such
14 students make appropriate learning gains, such
15 as early entrance to kindergarten, enrichment,
16 acceleration, curriculum compacting, and dual
17 enrollment in secondary school and postsec-
18 ondary education.”.

19 (b) SCHOOLWIDE PROGRAMS.—Section 1114(b)(1)
20 (20 U.S.C. 6314(b)(1)) is amended by adding at the end
21 the following:

22 “(K) A description of how the school will
23 identify gifted and talented students, including
24 high-ability students who have not previously
25 been formally identified for gifted education

1 services, and provide services to support the
2 learning needs of such students to ensure that
3 such students make appropriate learning
4 gains.”.

5 (c) TARGETED ASSISTANCE SCHOOLS.—Section
6 1115(c)(1) (20 U.S.C. 6315(c)(1)) is amended—

7 (1) in subparagraph (G), by striking “and”
8 after the semicolon;

9 (2) in subparagraph (H), by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(I) identify gifted and talented students,
13 including high-ability students who have not
14 previously been formally identified for gifted
15 education services, and provide services to sup-
16 port the learning needs of such students to en-
17 sure that gifted and talented and high-ability
18 students make appropriate learning gains.”.

19 **SEC. 104. NATIONAL ASSESSMENT OF TITLE I.**

20 Section 1501(a)(2)(E) (20 U.S.C. 6491(a)(2)(E)) is
21 amended—

22 (1) in clause (iv), by striking “and”;

23 (2) in clause (v), by striking the period at the
24 end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(vi) made public an analysis of excel-
2 lence gaps and a description of activities to
3 close any such gaps.”.

4 **TITLE II—IMPROVING TEACHING**
5 **FOR GIFTED AND TALENTED**
6 **STUDENTS**

7 **SEC. 201. STATE APPLICATIONS.**

8 Section 2112(b)(5) (20 U.S.C. 6612(b)(5)) is amend-
9 ed by adding at the end the following:

10 “(C) A description of the comprehensive strat-
11 egy the State educational agency will use to improve
12 the teaching skills of teachers, principals, pupil serv-
13 ices personnel, and other instructional leaders in
14 order to enable them to employ strategies that focus
15 on—

16 “(i) the identification of students’ specific
17 learning needs, particularly students with dis-
18 abilities, students who are limited English pro-
19 ficient, students who are gifted and talented,
20 and students with low literacy levels; and

21 “(ii) the tailoring of academic instruction
22 to such needs.”.

1 **SEC. 202. LOCAL APPLICATIONS AND NEEDS ASSESSMENTS.**

2 (a) LOCAL APPLICATIONS.—Section 2122(b) (20
3 U.S.C. 6622(b)) is amended by adding at the end the fol-
4 lowing:

5 “(12) A description of how the activities will
6 have a substantial, measurable, and positive impact
7 on student academic achievement and how the activi-
8 ties will be used as part of a broader strategy to
9 eliminate the achievement gap and the excellence
10 gap.”.

11 (b) NEEDS ASSESSMENT.—Section 2122(c)(2) (20
12 U.S.C. 6622(c)(2)) is amended by inserting “shall be
13 based on an analysis of the achievement and learning
14 needs of students at each level of achievement described
15 in section 1111(b)(1)(D)(ii) on the State academic assess-
16 ments, disaggregated by each subgroup described in sec-
17 tion 1111(b)(2)(C)(v)(II), and” before “shall be con-
18 ducted”.

19 **SEC. 203. LOCAL USE OF FUNDS.**

20 Section 2123(a) (20 U.S.C. 6623(a)) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “to carry out” and inserting “to increase
23 student achievement for all students, including lim-
24 ited English proficient students, students with dis-
25 abilities, and gifted and talented students, by car-
26 rying out”; and

1 (2) in paragraph (3)(B)—

2 (A) in clause (iv), by striking “and”;

3 (B) in clause (v), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(vi) provide training to support the
7 identification of students who are gifted
8 and talented, and to implement instruc-
9 tional practices that support the education
10 of such students, such as early entrance to
11 kindergarten, enrichment, acceleration,
12 curriculum compacting and dual enroll-
13 ment in secondary school and postsec-
14 ondary education.”.

15 **SEC. 204. SUBGRANTS TO ELIGIBLE PARTNERSHIPS.**

16 Section 2134(a)(1) (20 U.S.C. 6634(a)(1)) is amend-
17 ed—

18 (1) in subparagraph (A), by striking “and”
19 after the semicolon; and

20 (2) by adding at the end the following:

21 “(C) teachers, principals, and pupil service
22 personnel have the training to support the iden-
23 tification of students who are gifted and tal-
24 ented, including high-ability students who have
25 not been formally identified for gifted education

1 services, and implementation of instructional
2 practices that support the education of such
3 students, such as early entrance to kinder-
4 garten, enrichment, acceleration, curriculum
5 compacting and dual enrollment in secondary
6 school and postsecondary education; and”.

7 **TITLE III—GIFTED AND TAL-**
8 **ENTED STUDENTS IN RURAL**
9 **SCHOOLS**

10 **SEC. 301. SMALL RURAL SCHOOL ACHIEVEMENT PROGRAM.**

11 Section 6211(a) (20 U.S.C. 7345(a)) is amended by
12 inserting “, including supporting gifted and talented stu-
13 dents (including high-ability students who have not been
14 formally identified for gifted education services),” after
15 “local activities”.

16 **SEC. 302. RURAL AND LOW-INCOME SCHOOL PROGRAM.**

17 Section 6222(a)(2) (20 U.S.C. 7351a(a)(2)) is
18 amended by striking “and to train” and inserting “, train
19 teachers to meet the unique learning needs of gifted and
20 talented students, including high-ability students who have
21 not been formally identified for gifted education services,
22 and train”.

1 **TITLE IV—SUPPORTING ESSEN-**
2 **TIAL RESEARCH ON THE**
3 **LEARNING NEEDS OF GIFTED**
4 **AND TALENTED STUDENTS**

5 **SEC. 401. SUPPORTING ESSENTIAL RESEARCH ON THE**
6 **LEARNING NEEDS OF GIFTED AND TALENTED**
7 **STUDENTS.**

8 The Secretary, acting through the Director of the In-
9 stitute of Education Sciences, shall—

10 (1) continue research and development activities
11 related to the education of gifted and talented stu-
12 dents, particularly research and development activi-
13 ties related to such students who reside in rural
14 communities or have been underrepresented as gift-
15 ed and talented, including students who are low-in-
16 come, limited English proficient, students with dis-
17 abilities, and students from minority backgrounds;

18 (2) support a National Research and Dissemi-
19 nation Center on the Gifted and Talented that con-
20 ducts research and serves as a national clearing-
21 house for evidence-based best practices to improve
22 the identification and instruction of gifted and tal-
23 ented students;

24 (3) administer demonstration grants that build
25 and enhance the ability of elementary school and

1 secondary school personnel to support gifted and tal-
2 ented students; and

3 (4) ensure that statistical data related to the
4 education of gifted and talented children in kinder-
5 garten through grade 12 in the United States and
6 in other nations is collected, reported, analyzed, and
7 disseminated.

8 **TITLE V—GENERAL PROVISIONS**

9 **SEC. 501. DEFINITIONS.**

10 Section 9101 (20 U.S.C. 7801) is amended—

11 (1) by redesignating paragraphs (19) through
12 (42) and paragraph (43) as paragraphs (20)
13 through (43) and paragraph (45), respectively;

14 (2) by inserting after paragraph (18) the fol-
15 lowing:

16 “(19) EXCELLENCE GAP.—The term ‘excellence
17 gap’ means differences in the percentage of students
18 performing at the highest level of achievement de-
19 scribed in section 1111(b)(1)(D)(ii) between dif-
20 ferent subgroups described in section
21 1111(b)(2)(C)(v)(II).”; and

22 (3) by inserting after paragraph (43), as redес-
23 igned by paragraph (1), the following:

1 “(44) TEACHING SKILLS.—The term ‘teaching
2 skills’ has the meaning given the term in section 200
3 of the Higher Education Act of 1965.”.

4 **SEC. 502. AMENDMENTS TO OTHER LAWS.**

5 (a) COORDINATION OF FEDERAL STEM EDU-
6 CATION.—Section 101(b) of the America COMPETES
7 Reauthorization Act of 2010 (42 U.S.C. 6621(b)) is
8 amended—

9 (1) in the first subsection (b)—

10 (A) in paragraph (5)(D), by striking
11 “and” after the semicolon;

12 (B) in paragraph (6), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by inserting after paragraph (6), the
15 following:

16 “(7) encourage participating agencies to develop
17 and implement activities and programs that support
18 advanced students in kindergarten through grade
19 12, including advanced students who are from low-
20 income families and advanced students from other
21 groups that are underrepresented in the STEM
22 fields, in order to promote advanced students’ pur-
23 suit of careers in STEM fields.”; and

1 (2) by redesignating the second subsection (b)
2 and subsection (c) as subsection (c) and subsection
3 (d), respectively.

4 (b) LABORATORY COOPERATIVE SCIENCE CENTERS
5 & OTHER AUTHORIZED EDUCATION ACTIVITIES.—Sec-
6 tion 3164 of the National Defense Authorization Act for
7 Fiscal Year 1991 (42 U.S.C. 7381b(a)) is amended—

8 (1) in paragraph (5) by inserting “The Sec-
9 retary shall determine which students are eligible to
10 participate in such mathematics and science edu-
11 cation programs based on the academic achievement
12 of such students.” after “development facilities.”;
13 and

14 (2) in paragraph (13) by inserting “The Sec-
15 retary shall determine which middle-school students
16 are eligible to participate in such prefreshman en-
17 richment program based on the academic achieve-
18 ment of such students.” after “by universities on
19 their campuses.”.

20 (c) ADVANCED PLACEMENT AND INTERNATIONAL
21 BACCALAUREATE PROGRAMS.—Section 6123 of the Amer-
22 ica COMPETES Act (20 U.S.C. 9833) is amended—

23 (1) in subsection (d)—

24 (A) in paragraph (1) by striking “and”
25 after the semicolon;

1 (B) in paragraph (2) by striking the period
2 at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(3) the availability of Advanced Placement or
5 International Baccalaureate mathematics, science,
6 and critical foreign language courses earlier than is
7 typical to students who are prepared for such
8 work.”; and

9 (2) in subsection (f)(2)—

10 (A) in subparagraph (E) by striking “and”
11 after the semicolon;

12 (B) in subparagraph (F) by striking the
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(G) how the eligible entity will make Ad-
16 vanced Placement or International Bacca-
17 laureate mathematics, science, and critical for-
18 eign language courses available earlier than is
19 typical to students who are prepared for such
20 work.”.

21 **SEC. 503. EFFECTIVE DATE.**

22 This Act, and the amendments made by this Act,
23 shall take effect 1 year after the date of enactment of this
24 Act.

○