

114TH CONGRESS
1ST SESSION

S. 363

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 SENATE OF THE UNITED STATES

FEBRUARY 4, 2015

Mr. GRASSLEY (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 of 1965 (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 at the
 8 end and inserting “; 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—

“(i) perform at the advanced level of achievement on the State academic assessments described in paragraph (3); and

“(ii) are gifted and talented (including high-ability students with disabilities, high-ability students who are limited English proficient, and other high-ability students who have not previously been formally identified for gifted education services); and”.

SEC. 102. ANNUAL STATE REPORT CARDS.

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

(1) in clause (vii), by striking “and” after the semicolon;

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

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

“(viii) a comparison of the performance of students between different local educational agencies across the State at each level of achievement described in subsection (b)(1)(D)(ii), disaggregated by the subgroups described in subsection (b)(2)(C)(v); and”.

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

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

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

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

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

9 “(R) a description of how the local edu-
10 cational agency will—

11 “(i) identify gifted and talented stu-
12 dents, including high-ability students with
13 disabilities, high-ability students who are
14 limited English proficient, and other high-
15 ability students who have not previously
16 been formally identified for gifted edu-
17 cation services; and

18 “(ii) implement educational ap-
19 proaches at the elementary and secondary
20 levels to support the learning needs of gift-
21 ed and talented students to ensure that
22 such students make appropriate learning
23 gains, such as early entrance to kinder-
24 garten, enrichment, acceleration, cur-
25 riculum compacting, and dual enrollment

1 in secondary school and postsecondary edu-
2 cation.”.

3 (b) SCHOOLWIDE PROGRAMS.—Section 1114(b)(1)
4 (20 U.S.C. 6314(b)(1)) is amended by adding at the end
5 the following:

6 “(K) A description of how the school will
7 identify gifted and talented students, including
8 high-ability students with disabilities, high-abil-
9 ity students who are limited English proficient,
10 and other high-ability students who have not
11 previously been formally identified for gifted
12 education services, and provide services to sup-
13 port the learning needs of gifted and talented
14 students to ensure that such students make ap-
15 propriate learning gains.”.

16 (c) TARGETED ASSISTANCE SCHOOLS.—Section
17 1115(c)(1) (20 U.S.C. 6315(c)(1)) is amended—

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

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

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

23 “(I) identify gifted and talented students,
24 including high-ability students with disabilities,
25 high-ability students who are limited English

proficient, and other high-ability students who have not previously been formally identified for gifted education services, and provide services to support the learning needs of gifted and talented students to ensure that gifted and talented and high-ability students make appropriate learning gains.”.

SEC. 104. NATIONAL ASSESSMENT OF TITLE I.

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

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

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

(3) by adding at the end the following:

“(vi) made public an analysis of excellence gaps and a description of activities to close any such gaps.”.

**TITLE II—IMPROVING TEACHING
FOR GIFTED AND TALENTED
STUDENTS**

SEC. 201. STATE APPLICATIONS.

Section 2112(b)(5) (20 U.S.C. 6612(b)(5)) is amended by adding at the end the following:

“(C) A description of the comprehensive strategy the State educational agency will use to improve

1 the teaching skills of teachers, principals, pupil serv-
 2 ices personnel, and other instructional leaders in
 3 order to enable them to employ strategies that focus
 4 on—

5 “(i) the identification of students’ specific
 6 learning needs, particularly students with dis-
 7 abilities, students who are limited English pro-
 8 ficient, students who are gifted and talented,
 9 and students with low literacy levels; and

10 “(ii) the tailoring of academic instruction
 11 to such needs.”.

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

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

16 “(12) A description of how the activities will
 17 have a substantial, measurable, and positive impact
 18 on student academic achievement and how the activi-
 19 ties will be used as part of a broader strategy to
 20 eliminate the achievement gap and the excellence
 21 gap.”.

22 (b) NEEDS ASSESSMENT.—Section 2122(c)(2) (20
 23 U.S.C. 6622(c)(2)) is amended by inserting “shall be
 24 based on an analysis of the achievement and learning
 25 needs of students at each level of achievement described

1 in section 1111(b)(1)(D)(ii) on the State academic assess-
 2 ments, disaggregated by each subgroup described in sec-
 3 tion 1111(b)(2)(C)(v)(II),” before “shall be conducted”.

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

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

6 (1) in the matter preceding paragraph (1), by
 7 striking “to carry out” and inserting “to increase
 8 student achievement for all students, including lim-
 9 ited English proficient students, students with dis-
 10 abilities, and gifted and talented students, by car-
 11 rying out”; and

12 (2) in paragraph (3)(B)—

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

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

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

17 “(vi) provide training to support the
 18 identification of students who are gifted
 19 and talented, and to implement instruc-
 20 tional practices that support the education
 21 of such students, such as early entrance to
 22 kindergarten, enrichment, acceleration,
 23 curriculum compacting and dual enroll-
 24 ment in secondary school and postsec-
 25 ondary education.”.

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

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

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

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

7 “(C) teachers, principals, and pupil service
8 personnel have the training to support—

9 “(i) the identification of students who
10 are gifted and talented, including high-abil-
11 ity students with disabilities, high-ability
12 students who are limited English pro-
13 ficient, and other high-ability students who
14 have not previously been formally identified
15 for gifted education services; and

16 “(ii) implementation of instructional
17 practices that support the education of
18 gifted and talented students, such as early
19 entrance to kindergarten, enrichment, ac-
20 celeration, curriculum compacting, and
21 dual enrollment in secondary school and
22 postsecondary education; and”.

1 **TITLE III—GIFTED AND TAL-**
2 **ENTED STUDENTS IN RURAL**
3 **SCHOOLS**

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

5 Section 6211(a)(1) (20 U.S.C. 7345(a)(1)) is amend-
6 ed by inserting “, including supporting gifted and talented
7 students (including high-ability students with disabilities,
8 high-ability students who are limited English proficient,
9 and other high-ability students who have not previously
10 been formally identified for gifted education services),”
11 after “local activities”.

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

13 Section 6222(a)(2) (20 U.S.C. 7351a(a)(2)) is
14 amended by striking “and to train” and inserting “, train
15 teachers to meet the unique learning needs of gifted and
16 talented students, including high-ability students with dis-
17 abilities, high-ability students who are limited English pro-
18 ficient, and other high-ability students who have not pre-
19 viously been formally identified for gifted education serv-
20 ices, 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 or limited English proficient, students with
17 disabilities, and students from minority back-
18 grounds;

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

1 (3) administer demonstration grants that build
 2 and enhance the ability of elementary school and
 3 secondary school personnel to support gifted and tal-
 4 ented students; and

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

10 **TITLE V—GENERAL PROVISIONS**

11 **SEC. 501. DEFINITIONS.**

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

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

16 (2) by inserting after paragraph (18) the fol-
 17 lowing:

18 “(19) EXCELLENCE GAP.—The term ‘excellence
 19 gap’ means differences in the percentage of students
 20 performing at the highest level of achievement de-
 21 scribed in section 1111(b)(1)(D)(ii) between dif-
 22 ferent subgroups described in section
 23 1111(b)(2)(C)(v)(II).”; and

24 (3) by inserting after paragraph (43), as redes-
 25 ignated 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 AND 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 pe-
 2 riod 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
 11 “and” 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.

○