

111TH CONGRESS  
1ST SESSION

# H. R. 2036

To amend the Elementary and Secondary Education Act of 1965 to expand grant programs for gifted and talented students.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. GALLEGLY (for himself and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to expand grant programs for gifted and talented students.

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 “Jacob K. Javits Gifted  
5 and Talented Students Education Enhancement Act”.

6 **SEC. 2. PROGRAMS FOR GIFTED AND TALENTED STU-**  
7 **DENTS.**

8 Title II of the Elementary and Secondary Education  
9 Act of 1965 (20 U.S.C. 6601 et seq.) is amended by add-  
10 ing at the end the following:

1     **“PART E—GIFTED AND TALENTED STUDENTS**

2     **“SEC. 2501. SHORT TITLE.**

3             “‘This part may be cited as the ‘Jacob K. Javits Gift-  
4     ed and Talented Students Education Act’.

5     **“SEC. 2502. PURPOSE.**

6             “‘The purpose of this part is to initiate a coordinated  
7     program of—

8                 “(1) scientifically based research demonstration  
9     projects;

10                “(2) innovative instructional strategies;

11                “(3) high-quality professional development for  
12     teachers, principals, instructional support personnel,  
13     and school leadership personnel; and

14                “(4) other similar activities designed to build  
15     and enhance the ability of elementary schools and  
16     secondary schools nationwide to meet the special  
17     educational needs of gifted and talented students.

18     **“SEC. 2503. RULE OF CONSTRUCTION.**

19             “‘Nothing in this part shall be construed to prohibit  
20     a recipient of funds under this part from serving gifted  
21     and talented students simultaneously with students with  
22     similar educational needs, in the same educational set-  
23     tings, where appropriate.

24     **“SEC. 2504. COMPETITIVE GRANT PROGRAM FOR GIFTED**  
25                     **AND TALENTED STUDENTS.**

26             “(a) ESTABLISHMENT OF PROGRAM.—

1           “(1) IN GENERAL.—From the sums appro-  
2           priated under section 2510 to carry out this section,  
3           the Secretary (after consultation with experts in the  
4           field of the education of gifted and talented stu-  
5           dents) shall make grants to, or enter into contracts  
6           with, State educational agencies, local educational  
7           agencies, institutions of higher education, other pub-  
8           lic agencies, and other private agencies and organi-  
9           zations (including Indian tribes and Indian tribal or-  
10          ganizations (as such terms are defined in section 4  
11          of the Indian Self-Determination and Education As-  
12          sistance Act (25 U.S.C. 450b)) and Native Hawaiian  
13          organizations) to assist such entities in carrying out  
14          programs or projects authorized by this part that  
15          are designed to meet the educational needs of gifted  
16          and talented students, including the training of per-  
17          sonnel (including teachers, principals, instructional  
18          support personnel, and school leadership personnel)  
19          in the identification and education of gifted and tal-  
20          ented students.

21           “(2) APPLICATION.—Each entity seeking assist-  
22          ance under this section shall submit an application  
23          to the Secretary at such time, in such manner, and  
24          containing such information as the Secretary may

1 reasonably require. Each such application shall de-  
2 scribe how—

3 “(A) the proposed gifted and talented serv-  
4 ices, materials, and instructional strategies will  
5 be used to identify and serve gifted and tal-  
6 ented students;

7 “(B) if appropriate, the services, materials,  
8 and instructional strategies can be adapted for  
9 use by all students; and

10 “(C) the proposed programs can be evalu-  
11 ated.

12 “(b) USE OF FUNDS.—Programs and projects as-  
13 sisted under this section may include each of the following:

14 “(1) Conducting—

15 “(A) scientifically based research on meth-  
16 ods, and techniques for identifying and serving  
17 gifted and talented students and, if appropriate,  
18 for using gifted and talented programs and  
19 methods to serve all students; and

20 “(B) program evaluations, surveys, and the  
21 collection, analysis, and development of the in-  
22 formation needed to accomplish the purpose of  
23 this part.

24 “(2) Carrying out professional development (in-  
25 cluding fellowships) for personnel (including teach-

1       ers, principals, instructional support personnel, and  
2       school leadership personnel) involved in the edu-  
3       cation of gifted and talented students.

4               “(3) Establishing and operating model projects  
5       and exemplary programs for serving gifted and tal-  
6       ented students, including innovative methods for  
7       identifying and educating students who may not be  
8       served by traditional gifted and talented programs  
9       (such as summer programs, mentoring programs,  
10      service learning programs, and cooperative programs  
11      involving business, industry, and education).

12              “(4) Implementing innovative strategies, such  
13      as cooperative learning, peer tutoring, and service  
14      learning.

15              “(5) Carrying out programs of technical assist-  
16      ance and information dissemination to promote in-  
17      structional and professional development strategies  
18      used with gifted students and, where appropriate,  
19      how they may be adapted for use by all students.

20              “(6) Making materials and services available  
21      through State regional educational service centers,  
22      institutions of higher education, or other entities.

23              “(7) Providing funds for challenging, high-level  
24      course work, disseminated through technologies (in-  
25      cluding distance learning), for individual students or

1 groups of students in schools and local educational  
2 agencies that would not otherwise have the resources  
3 to provide such course work.

4 “(c) CENTER FOR RESEARCH AND DEVELOPMENT.—

5 “(1) IN GENERAL.—From the amounts appro-  
6 priated under section 2510 to carry out this sub-  
7 section, the Secretary (after consultation with ex-  
8 perts in the field of the education of gifted and tal-  
9 ented students) shall establish a National Research  
10 Center for the Education of Gifted and Talented  
11 Children and Youth through grants to, or contracts  
12 with, one or more institutions of higher education or  
13 State educational agencies, or a combination or con-  
14 sortium of such institutions and agencies and other  
15 public or private agencies and organizations, for the  
16 purpose of carrying out activities described in sub-  
17 section (b).

18 “(2) DIRECTOR.—The National Center shall be  
19 headed by a Director. The Secretary may authorize  
20 the Director to carry out such functions of the Na-  
21 tional Center as may be agreed upon through ar-  
22 rangements with institutions of higher education,  
23 State educational agencies, local educational agen-  
24 cies, or other public or private agencies and organi-  
25 zations.

1 “(d) COORDINATION.—Scientifically based research  
2 activities supported under this part—

3 “(1) shall be carried out in consultation with  
4 the Institute for Education Sciences to ensure that  
5 such activities are coordinated with and enhance the  
6 research and development activities supported by  
7 such Office; and

8 “(2) may include collaborative scientifically  
9 based research activities which are jointly funded  
10 and carried out with such Institute.

11 **“SEC. 2505. FORMULA GRANT PROGRAM FOR GIFTED AND**  
12 **TALENTED STUDENTS.**

13 “(a) ESTABLISHMENT OF PROGRAM.—From the  
14 sums allocated under subsection (b)(2), the Secretary shall  
15 award grants to State educational agencies to—

16 “(1) carry out State activities described in sec-  
17 tion 2504(b); and

18 “(2) award subgrants to local educational agen-  
19 cies under subsection (e) for developing or expanding  
20 gifted and talented education programs, through ac-  
21 tivities such as high quality professional development  
22 for teachers, principals, instructional support per-  
23 sonnel, and school leadership personnel.

24 “(b) ALLOTMENTS TO STATES.—

1           “(1) RESERVATION OF FUNDS.—From the  
2 sums appropriated under section 2510 to carry out  
3 this section for each fiscal year, the Secretary shall  
4 reserve  $\frac{1}{2}$  of 1 percent for the Secretary of the Inte-  
5 rior to carry out programs under this section for the  
6 professional development of teachers, other staff,  
7 and administrators in schools operated or funded by  
8 the Bureau of Indian Affairs.

9           “(2) STATE ALLOTMENTS.—

10           “(A) IN GENERAL.—From the sums appro-  
11 priated under section 2510 to carry out this  
12 section and not reserved under paragraph (1),  
13 the Secretary shall allot, and make available in  
14 accordance with this section, to each State edu-  
15 cational agency with an approved application an  
16 amount that bears the same ratio to such sums  
17 as the number of individuals aged 5 through 17  
18 in the State (as determined by the Secretary on  
19 the basis of the most recent satisfactory data)  
20 to the total number of such individuals in all  
21 States, except that no State educational agency  
22 shall receive less than an amount equal to  $\frac{1}{2}$  of  
23 1 percent of such amounts.

24           “(B) REALLOTMENT.—If a State edu-  
25 cational agency does not submit an application



1 or the Secretary does not approve a State edu-  
2 cational agency's application, the Secretary  
3 shall reallocate any portion of the State edu-  
4 cational agency's allotment under subparagraph  
5 (A) to the remaining State educational agencies  
6 in accordance with subparagraph (A).

7 “(c) STATE APPLICATION.—

8 “(1) IN GENERAL.—To be eligible to receive a  
9 grant under this section, a State educational agency  
10 shall submit an application to the Secretary at such  
11 time, in such manner, and containing such informa-  
12 tion as the Secretary may reasonably require.

13 “(2) CONTENTS.—Each application under para-  
14 graph (1) shall include assurances that—

15 “(A) the funds received under this section  
16 will be used to identify, serve, and support gift-  
17 ed and talented students from all economic, eth-  
18 nic, and racial backgrounds, including students  
19 of limited English proficiency and students with  
20 disabilities;

21 “(B) the funds not retained by the State  
22 educational agency shall be used for the pur-  
23 pose of awarding subgrants on a competitive  
24 basis to local educational agencies in accordance  
25 with this section;

1           “(C) the funds received under this section  
2 shall be used only to supplement, but not sup-  
3 plant, the amount of State and local funds ex-  
4 pended for the education of, and related serv-  
5 ices for, gifted and talented students;

6           “(D) the State educational agency will  
7 match the funds received under this section, in  
8 cash or in kind, in an amount equal to not less  
9 than 10 percent of such funds; and

10           “(E) the State educational agency shall de-  
11 velop and implement program assessment mod-  
12 els to ensure program accountability and to  
13 evaluate educational effectiveness.

14           “(3) APPROVAL.—To the extent funds are  
15 made available to carry out this section, the Sec-  
16 retary shall approve an application of a State if such  
17 application meets the requirements of this section.

18           “(d) LIMITATIONS ON USE OF FUNDS.—

19           “(1) IN GENERAL.—A State educational agency  
20 receiving a grant under this part may not use more  
21 than 10 percent of the grant funds for—

22           “(A) dissemination of general program in-  
23 formation and successful instructional and pro-  
24 fessional development strategies used;

1           “(B) providing technical assistance under  
2           this part including high-quality professional de-  
3           velopment to assist teachers, principals and in-  
4           structional support personnel in improving their  
5           knowledge and skills in order to identify and  
6           serve gifted and talented students;

7           “(C) monitoring and evaluation of pro-  
8           grams and activities assisted under this part;

9           “(D) providing support for parental in-  
10          volvement; or

11          “(E) creating a State gifted education ad-  
12          visory board.

13          “(2) COURSE WORK PROVIDED THROUGH  
14          EMERGING TECHNOLOGIES.—Grant funds provided  
15          under this section that are used for activities de-  
16          scribed in section 2504(b)(7) may include develop-  
17          ment of curriculum packages, compensation of dis-  
18          tance-learning educators, or other relevant activities,  
19          but grant funds provided under this section may not  
20          be used for the purchase or upgrading of techno-  
21          logical hardware.

22          “(3) ADMINISTRATIVE COSTS.—A State edu-  
23          cational agency may use not more than 50 percent  
24          of the funds made available to the State educational  
25          agency under this section for administrative costs.

1       “(e) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
2 CIES.—

3               “(1) SUBGRANTS AUTHORIZED.—A State edu-  
4 cational agency shall use not less than 90 percent of  
5 the grant funds awarded to such State educational  
6 agency under this section to award subgrants to  
7 local educational agencies (including consortia of  
8 local educational agencies) to enable the local edu-  
9 cational agencies to carry out the activities described  
10 in section 2504(b).

11              “(2) COMPETITIVE PROCESS.—State edu-  
12 cational agencies shall award subgrants under this  
13 section to local educational agencies through a com-  
14 petitive process that results in an equitable distribu-  
15 tion by geographic area within the State.

16              “(3) SIZE OF SUBGRANT.—A State educational  
17 agency shall award a subgrant under this section for  
18 any fiscal year in an amount sufficient to meet the  
19 needs of the students to be served under the  
20 subgrant.

21              “(4) APPLICATIONS OF LOCAL EDUCATIONAL  
22 AGENCIES.—

23                      “(A) APPLICATION.—To be eligible to re-  
24 ceive a subgrant under this part, a local edu-  
25 cational agency (including a consortium of local

1 educational agencies) shall submit an applica-  
2 tion to the State educational agency at such  
3 time, in such manner, and containing such in-  
4 formation as the State educational agency may  
5 reasonably require.

6 “(B) CONTENTS.—Each application under  
7 this section shall include—

8 “(i) an assurance that the subgrant  
9 funds received under this section will be  
10 used to identify, serve, and support gifted  
11 and talented students from all economic,  
12 ethnic, and racial backgrounds, including  
13 students of limited English proficiency and  
14 students with disabilities;

15 “(ii) a description of how the local  
16 educational agency will meet the edu-  
17 cational needs of gifted and talented stu-  
18 dents, including the training of personnel  
19 (including teachers and school leadership  
20 personnel) in the identification and edu-  
21 cation of gifted and talented students; and

22 “(iii) an assurance that subgrant  
23 funds received under this section will be  
24 used to supplement, not supplant, the  
25 amount of funds the local educational

1                   agency expends for the education of, and  
2                   related services for, gifted and talented  
3                   students.

4 **“SEC. 2506. ANNUAL REPORTING.**

5           “Beginning 1 year after the date of enactment of the  
6 Jacob K. Javits Gifted and Talented Students Education  
7 Act and for each year thereafter, each entity receiving a  
8 grant or subgrant under this part shall submit an annual  
9 report to the Secretary that describes the number of stu-  
10 dents served and the activities supported with funds pro-  
11 vided under this part. The report shall include a descrip-  
12 tion of the measures taken to comply with the required  
13 uses of funds described in section 2504(b).

14 **“SEC. 2507. CONSTRUCTION.**

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

20 **“SEC. 2508. PROGRAM PRIORITIES.**

21           “(a) GENERAL PRIORITY.—In carrying out this part,  
22 the Secretary shall give highest priority to programs and  
23 projects designed to develop new information that—

1           “(1) improves the capability of schools to plan,  
2           conduct, and improve programs to identify and serve  
3           gifted and talented students; and

4           “(2) assists schools in the identification of, and  
5           provision of services to, gifted and talented students  
6           (including economically disadvantaged individuals,  
7           individuals with limited English proficiency, and in-  
8           dividuals with disabilities) who may not be identified  
9           and served through traditional assessment methods.

10          “(b) SERVICE PRIORITY.—The Secretary shall ensure  
11          that not less than 50 percent of the applications approved  
12          under this part in a fiscal year address the priority de-  
13          scribed in subsection (a)(2) of this section.

14          **“SEC. 2509. GENERAL PROVISIONS.**

15          “(a) REVIEW, DISSEMINATION, AND EVALUATION.—  
16          The Secretary shall—

17                 “(1) use a peer review process in reviewing ap-  
18                 plications under this part;

19                 “(2) ensure that information on the activities  
20                 and results of programs and projects funded under  
21                 this part is disseminated to appropriate State edu-  
22                 cational agencies, local educational agencies, and  
23                 other appropriate organizations, including nonprofit  
24                 private organizations; and

1           “(3) evaluate the effectiveness of programs  
2           under this part in accordance with section 9601, in  
3           terms of the impact on students traditionally served  
4           in separate gifted and talented programs and on  
5           other students, and submit the results of such eval-  
6           uation to Congress not later than 2 years after the  
7           date of enactment of this part.

8           “(b) PROGRAM OPERATIONS.—The Secretary shall  
9           ensure that the programs under this part are administered  
10          within the Department by a person who has recognized  
11          professional qualifications and experience in the field of  
12          the education of gifted and talented students and who  
13          shall—

14                 “(1) administer and coordinate the programs  
15                 authorized under this part;

16                 “(2) serve as a focal point of national leader-  
17                 ship and information on the educational needs of  
18                 gifted and talented students and the availability of  
19                 educational services and programs designed to meet  
20                 such needs;

21                 “(3) assist the Director of the Institute of Edu-  
22                 cation Science in identifying research priorities that  
23                 reflect the needs of gifted and talented students;



1           “(4) consult on and disseminate the information  
2           to other offices within the Department and to the  
3           public; and

4           “(5) every 3 years, based on the annual reports  
5           received under section 2506, prepare and submit to  
6           the Committee on Education and Labor of the  
7           House of Representatives and the Committee on  
8           Health, Education, Labor, Pensions of the Senate a  
9           report on the program outcomes of the programs  
10          funded under this part, and the promising practices  
11          developed through programs or projects funded  
12          under this part.

13   **“SEC. 2510. AUTHORIZATION OF APPROPRIATIONS.**

14          “(a) IN GENERAL.—There are authorized to be ap-  
15          propriated to the Secretary \$100,000,000 to carry out this  
16          part for fiscal year 2010 and such sums as may be nec-  
17          essary for each fiscal year thereafter.

18          “(b) ALLOCATION OF FUNDING.—Of the amounts  
19          appropriated under subsection (a), the Secretary shall al-  
20          locate—

21                  “(1) up to \$7,500,000 to carry out section  
22                  2504(e);

23                  “(2) any amount in excess of \$7,500,000, but  
24                  not more than \$92,500,000, to carry out the re-  
25                  mainder of section 2504; and

1           “(3) any amount in excess of \$100,000,000 to  
2           carry out section 2505.

3 **“SEC. 2511. DEFINITIONS.**

4           “For purposes of this part:

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 **SEC. 3. CONFORMING AMENDMENT.**

2 Part D of title V of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 7241 et seq.) is amend-  
4 ed—

5 (1) by striking subpart 6; and

6 (2) by redesignating subpart 7 through subpart  
7 21 as subpart 6 through subpart 20, respectively.

○