



TEXAS
STATE PLAN
FOR THE
EDUCATION OF
GIFTED/TALENTED
STUDENTS

Texas Education Agency
Division of Advanced
Academic Services

TEXAS STATE PLAN FOR THE EDUCATION OF GIFTED/TALENTED STUDENTS

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FOREWORD

In 1990, when the state plan for the education of gifted students was adopted by the Texas State Board of Education, the mandate to identify and serve these students was just beginning. That plan was designed to provide program guidance and to assure that all students had the opportunity to be fairly and accurately assessed for advanced level services. A new Texas state plan was adopted by the State Board of Education in November 1996, and built on the first effort, taking districts and campuses to the next level of program implementation: refining existing services and creating additional curricular options that lead to exceptionally high levels of student performance. The 1996 plan was designed to accomplish the two requirements that are included in Section 29.123 of the Texas Education Code. First, the acceptable column of each section of the plan is to be used as the basis of program accountability. The indicators in this column reflect those activities that are included in the District Effectiveness and Compliance (DEC) review process. The second requirement of the law is that the state plan serve as a guide for the improvement of program services. This task is accomplished through the second and third columns of each section, which indicate recognized and exemplary levels of commitment on the part of district and campus personnel. These activities, which are neither mandated nor proscribed, represent methods that educators and community members may decide to use to improve services for students. Updates of promising practices will continue to supplement these indicators so that districts and campuses have a comprehensive set of alternatives that can be implemented to improve student performance and meet the state goal that is a part of this plan. Districts that have successfully implemented the second and/or third columns of each section throughout the district, or in large districts through a vertical team of campuses K-12, now have the opportunity to be recognized for their excellence by applying for state recognition of their gifted program services as recognized or exemplary through a process called "DEC+".

Texas faces many formidable tasks as we enter the twenty-first century. Success in meeting those responsibilities can be achieved only if all Texas students are educated to their maximum capabilities. By focusing on the goal of this plan – that gifted students develop "innovative products and performances that are advanced in relation to students of similar age, experience, or environment" – we can assure that Texas meets the future with confidence that all its students have been challenged to work at the highest levels. It is hoped that this state plan will continue to assist districts in meeting their obligations to gifted students.

Section 29.123 of the Texas Education Code requires that the State Board of Education periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students. This revised addition of the plan is being published to reflect changes passed by the State Board of Education in February 2000.

The development of this plan in 1990 and 1996 was a group effort with input coming from local district educators, regional service center personnel, and from the general public. This input continues to be very important and useful as we periodically revise the plan. The Texas State Plan for the Education of Gifted/Talented Students continues to be recognized throughout the nation as a model for designing quality program services that meet the needs of advanced and gifted learners. With your continued commitment and dedication, we will maintain quality program services in Texas and our plan will continue to serve as the archetype for others.



Jim Nelson
Commissioner of Education

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OVERVIEW

Throughout the United States, there has been a call for America's students to master more complex skills and to demonstrate understanding of more sophisticated content. In response, states throughout the country have increased their expectations for student performance. However, while basic competencies are being raised, often there is little done to enhance services for more advanced learners. ***National Excellence: A Case for Developing America's Talent***, published by the United States Department of Education in 1993, notes that, "Most American students are encouraged to finish high school and earn good grades. But students are not asked to work hard or master a body of challenging knowledge or skills. The message society often sends to students is to aim for academic **adequacy**, not academic **excellence** (p.1)."

To assure that this trend is reversed in Texas, the State Board of Education has adopted numerous incentives that encourage districts to support services that go beyond the minimum and that meet the needs of gifted learners. In order to express its commitment to high level learning opportunities for all students, the Texas State Board of Education adopts the following as its goal for services for gifted learners.

STATE GOAL FOR SERVICES FOR GIFTED STUDENTS

Students who participate in services designed for gifted students will demonstrate skills in self-directed learning, thinking, research, and communication as evidenced by the development of innovative products and performances that reflect individuality and creativity and are advanced in relation to students of similar age, experience, or environment. High school graduates who have participated in services for gifted students will have produced products and performances of professional quality as part of their program services.

According to Section 29.123 of the Texas Education Code, the ***Texas State Plan for the Education of Gifted/Talented Students*** forms the basis of program accountability for state mandated services for gifted/talented students. The plan, then, is developed to be compatible with the Texas accountability system. "Acceptable" performance measures are included for five areas of program performance. This level reflects those actions that are included in either state law or rule. However, some districts, in collaboration with the communities they serve, will provide more comprehensive services. To offer some guidance to those districts or campuses, examples of "recognized" and "exemplary" performance are included in the plan. While these actions are not mandated by the state, they provide viable targets that local district educators seeking excellence, both for their district and for their students, may strive to attain. In all cases, those activities in the "recognized" column include and build on those actions included in the "acceptable" column. In turn, "exemplary" actions build on those that merit a "recognized" designation.

Providing comprehensive services to advanced and gifted learners will be a challenge to districts. To assist them in their work, the Texas Education Agency will:

- ✓ implement and monitor any state and/or federal legislation designed to provide educational opportunities for gifted/talented students;
- ✓ refine and implement a system that provides recognition for districts and/or campuses that attain “recognized” and “exemplary” status as indicated in this plan;
- ✓ develop materials designed to assist districts in the development of model assessment procedures and program options;
- ✓ facilitate partnerships among parents, institutions of higher education, communities, and school districts to design comprehensive advanced-level services;
- ✓ sponsor demonstration projects and develop materials that support the implementation of Advanced Placement and International Baccalaureate programs in middle and high schools throughout Texas;
- ✓ collaborate with business and industry to provide additional opportunities for gifted students; and
- ✓ provide information on evaluation results, developments, and achievements in the field of gifted education to all interested parties.

Through the combined efforts of the Texas Education Agency, the regional education service centers, local district personnel, and the communities they serve, all children will have an education that provides challenging academic opportunities that enable them to reach their full potential.

TEXAS STATE PLAN FOR THE EDUCATION OF GIFTED/TALENTED STUDENTS

SECTION 1

STUDENT ASSESSMENT

Instruments and procedures used to assess students for program services measure diverse abilities and intelligences and provide students an opportunity to demonstrate their talents and strengths.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>1.1A Written policies on student identification for gifted/talented programs are approved by the district board of trustees and disseminated to all parents. (19 TAC §89.1)</p>	<p>1.1.1R Nomination procedures and forms for assessment of gifted/talented students are communicated to families in a language and form that the families understand or a translator or interpreter is provided.</p> <p>1.1.2R Families and staff are informed of student placement and given opportunities to schedule conferences to discuss assessment data.</p>	<p>1.1E The district and/or campus offers an awareness session prior to the nomination period for families to receive an overview of the assessment procedures and services for gifted/talented students.</p>
<p>1.2A Written policies include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement. (19 TAC§89.1(5))</p>	<p>1.2.1R Policy related to student furloughs allow for students to have a leave of absence from gifted/talented program services for specified reasons and for a certain period of time without being exited.</p> <p>1.2.2R Policy related to reassessment of gifted/talented students is based on performance in the program for gifted/talented students and if reassessment occurs at all, it is no more than once in elementary grades, once in middle school grades, and once in high school.</p> <p>1.2.3R Policy related to exiting of students from gifted/talented program services is based on multiple criteria including student performance in the program. Exiting of students is finalized by committee decision after consultation with parents and student regarding the most appropriate educational placement.</p> <p>1.2.4R Policy related to transfer students ensures that students are properly assessed and appropriately placed within six weeks of enrollment in the district. A policy is also included that addresses transfers from campus to campus within the district.</p> <p>1.2.5R When a gifted/talented student withdraws and transfers to another district, the sending district will include information on the student's assessment data.</p> <p>1.2.6R Policy related to appeals allows parents, students, and educators to appeal assessment decisions in a timely manner and to present new data, if appropriate.</p>	<p>1.2E Board policies on student assessment are reviewed at least once every three years and modified as needed.</p>

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a district's accountability ranking.

SECTION 1 (continued)

STUDENT ASSESSMENT

Instruments and procedures used to assess students for program services measure diverse abilities and intelligences and provide students an opportunity to demonstrate their talents and strengths.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>1.3A Students not yet identified are considered for nomination and screened once a year for services that are a part of the program for gifted students. (19 TAC §89.1(1))</p>	<p>1.3R Students are nominated and screened at least once a year at the elementary grades and once a semester at the secondary level for services provided as a part of the program for gifted students.</p>	<p>1.3E The nomination process for services provided as part of the gifted program is ongoing, and screening of students occurs at any time the need arises.</p>
<p>1.4A Students in grades K-12 shall be assessed and, if identified, provided services. (TEC §29.122 and 19 TAC §89.1(3))</p>		<p>1.4E Students in grades 1 through 12 are assessed and served in all areas of giftedness included in TEC §29.121.</p>
<p>1.5.1A Assessment of students for gifted/talented programs includes measures collected from multiple sources for each area of giftedness served by the district. (19 TAC §89.1(2))</p> <p>1.5.2A Students are assessed in languages they understand or with nonverbal based tests.</p> <p>1.5.3A At the kindergarten level, as many criteria as possible, and at least three (3), are used to assess students who perform at remarkably high levels of accomplishment relative to age peers.</p> <p>1.5.4A Assessment in the areas of intellectual and specific academic fields, grades 1-12, uses a minimum of three (3) appropriate criteria that include both qualitative and quantitative measures.</p> <p>1.5.5A If services are available in leadership, artistic areas, and creativity, a minimum of three (3) criteria are used for assessment.</p>	<p>1.5.1R Based on a review of information gathered during the assessment process, the selection committee recommends placement for students whose data reflect that program placement is the most appropriate educational setting.</p> <p>1.5.2R All kindergarten students are automatically screened for advanced level services.</p>	
<p>1.6A Data and procedures assure that all populations of the district have access to assessment and, if identified, services offered as part of the program for gifted students. (19 TAC §89.1(3))</p>	<p>1.6R Gains have been made over the last two (2) years toward having the population of the gifted program reflect the population of the district.</p>	<p>1.6E The population of the gifted/talented program reflects the population of the total district or has for two of the past three years.</p>
<p>1.7A Final selection of students for services designed for gifted students is made by a committee of at least three (3) local district or campus educators who have received training in the nature and needs of gifted students. (19 TAC §89.1(4))</p>	<p>1.7R The majority of members of the selection committee have completed thirty (30) hours of training as delineated in 19 TAC §89.2(1).</p>	<p>1.7E The majority of members of the selection committee have completed thirty (30) hours of gifted/talented training and are current with the six-hour update training as required in 19 TAC §89.2(2).</p>

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a district's accountability ranking.

SECTION 2

PROGRAM DESIGN

A flexible system of viable program options that provide a learning continuum is developed throughout the district and reinforces the strengths, needs, and interests of gifted/talented students.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>2.1A School districts assure an array of learning opportunities that are commensurate with the abilities of gifted/talented students, and that emphasize content in the four (4) core academic areas. Services are available during the school day as well as the entire school year. Parents are informed of these options. (19 TAC §89.3(3))</p>	<p>2.1.1R Information concerning special opportunities (contests, academic recognition, summer camps, community programs, volunteer opportunities, etc.) is available and disseminated to parents and community members.</p> <p>2.1.2R Specialists and advocates for gifted students are consulted in the development of program policies and options.</p>	<p>2.1.1E Services for gifted/talented students are comprehensive, structured, sequenced, and appropriately challenging, including options in the four (4) core academic areas, arts, leadership, and creativity.</p>
<p>2.2A Program options enable gifted/talented students to work together as a group, work with other students, and work independently during the school day as well as the entire school year. (19 TAC §89.3(1))</p>	<p>2.2R Flexible grouping patterns and independent investigations are employed in the four (4) core academic areas.</p>	
<p>2.3A School districts, when possible, shall provide out-of-school options relevant to the student's area of strength. (19 TAC §89.3(3))</p>	<p>2.3R Options that meet the needs of advanced learners are available on a continuous basis outside the regular school day.</p>	
<p>2.4A Local board policies are developed that are consistent with State Board of Education rules on credit by examination (19 TAC §74.24) and Early High School Graduation. (TEC §56.203).</p>	<p>2.4.1R Flexible pacing is employed, allowing students to learn at the pace and level appropriate for their abilities and skills.</p> <p>2.4.2R Local board policies are developed that enable students to participate in dual/concurrent enrollment, correspondence courses, accelerated summer programs, and the Distinguished Achievement Program.</p>	<p>2.4E District administrators, counselors, and teachers actively facilitate accelerated options.</p>
<p>2.5A School districts shall ensure that no more than 15% of state funds allocated for gifted/talented education are spent on indirect costs as defined in the Financial Accounting and Reporting Module (Financial Accountability Resource Guide). Eighty-five percent of the funds allocated to gifted education shall be spent on assessment and services for gifted students (19 TAC §89.4(1))</p>	<p>2.5R Local funding for gifted/talented education programs is used to enhance the state funding formula.</p>	<p>2.5E Additional funding from business partnerships, scholarships, parent group fund raisers, etc. is used to enhance the state funding.</p>

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a district's accountability ranking.

SECTION 2 (continued)

PROGRAM DESIGN

A flexible system of viable program options that provide a learning continuum is developed throughout the district and reinforces the strengths, needs, and interests of gifted/talented students.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>2.6A School districts shall ensure that student assessment and services comply with accountability standards included in the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5)</p>	<p>2.6.1R Annual evaluation activities are conducted for the purpose of continued program and development</p> <p>2.6.2R An advisory group of community members, parents of gifted/talented students, school staff, and gifted/talented education staff meet regularly to review and recommend program policies and procedures to the district.</p>	<p>2.6.1E Ongoing formative and summative evaluation strategies, based on quantitative and qualitative data, are used for substantive program improvement and development and reviewed by the school board.</p>
	<p>2.7R A person who has 30 hours of staff development in gifted/talented education as required in 19 TAC 89.2(1) is assigned to coordinate district level services for gifted/talented students in kindergarten through grade 12.</p>	<p>2.7E A person(s) who has an endorsement or advanced degree in gifted/talented education is assigned to coordinate a district K-12 gifted/talented education program.</p>

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a district's accountability ranking.

SECTION 3

CURRICULUM AND INSTRUCTION

Curriculum and instruction meet the needs of gifted students by modifying the depth, complexity, and pacing of the general school program.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>3.1A School districts assure an array of appropriately challenging learning experiences for gifted/talented students in grades 1 through 12 that emphasize content from the four (4) core academic areas and shall inform parents of the opportunities. (19 TAC §89.3)</p>	<p>3.1.1R Opportunities are provided for students to pursue areas of interest in selected disciplines through guided and independent research.</p> <p>3.1.2R A comprehensive manual or program guide is provided describing all programs and services for gifted students in grades K-12.</p> <p>3.1.3R Opportunities are provided for career and leadership assessment and training in areas of student strength.</p>	<p>3.1E Curriculum for gifted/talented students provides options in intellectual, creative or artistic areas; leadership; and specific academic fields.</p>
<p>3.2A A continuum of learning experiences is provided that leads to the development of advanced-level products and/or performances. (19 TAC §89.3(2))</p>	<p>3.2R Students at all grade levels are involved in experiences that result in the development of sophisticated products and/or performances that are targeted to an audience outside the classroom.</p>	<p>3.2E Students who have been served in a gifted program for one or more years will develop sophisticated products and/or performances assessed by external evaluators who are knowledgeable in the field that is the focus of the product.</p>
<p>3.3A Opportunities are provided to accelerate in areas of student strengths . (19 TAC §89.3(4))</p>	<p>3.3R Flexible pacing is employed, allowing students to learn at the pace and level appropriate to their abilities and skills.</p>	<p>3.3E Scheduling modifications are implemented in order to meet the needs of individual students.</p>
<p>3.4A District and campus improvement plans include provisions to improve/modify services to gifted/talented students. (TEC §11,252, §11,253)</p>	<p>3.4.1R Curriculum is modified based on annual evaluations.</p> <p>3.4.2R Resources and release time for staff are provided for curriculum development for services in the gifted/talented program.</p> <p>3.4.3R District guidelines for evaluation of resources for gifted/talented students are established and used in selecting materials that are appropriate for differentiated learning.</p>	<p>3.4.1E Specialists in content areas, instructional techniques, and gifted/talented education collaborate with curriculum planners as curriculum is being designed and evaluated.</p> <p>3.4.2E Administrators monitor the development and delivery of curriculum for gifted/talented students.</p>
	<p>3.5R Release time and/or extended contracts are provided to enable teachers at all levels to form vertical teams that coordinate advanced-level services in the district.</p>	
	<p>3.6R Student progress/performance in programs for the gifted is periodically assessed and this information is communicated to parents or guardians.</p>	<p>3.6E Student performance is periodically assessed by standards developed by experts in the areas served in the district's program for gifted students.</p>

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SECTION 4

PROFESSIONAL DEVELOPMENT

All personnel involved in the planning, development, and delivery of services to gifted students have knowledge to enable them to offer appropriate options and curricula for gifted/talented students.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>4.1A Prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of thirty (30) clock hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students. (19 TAC §89.2(1))</p> <p>4.1.2A Teachers without required training who provide instruction and services that are part of the gifted/talented program must complete the thirty (30) hour training within one semester. (19 TAC §89.2(2))</p>	<p>4.1.1R Teachers are encouraged to pursue advanced degrees or obtain additional professional development in their teaching discipline.</p> <p>4.1.2R Release time is provided for teachers and administrators to visit campuses or districts that have model programs for gifted/talented students.</p> <p>4.1.3R A written plan for professional development in the area of gifted education that is based on identified needs is implemented and updated annually.</p>	<p>4.1E District support in the form of release time or tuition assistance is available for an endorsement in gifted education for teachers who provide direct services to the gifted.</p>
<p>4.2A Teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education. (19TAC §89.2(3))</p>	<p>4.2.1R All staff receive an orientation to the district/ or campus program for gifted/talented students and training on the nature and needs of the gifted.</p> <p>4.2.2R Annually, each teacher new to the district receives an orientation to the district's program for gifted/talented students.</p>	<p>4.2E Mentors and others who offer specialized instruction for gifted/talented students are provided training to increase their understanding of the nature and needs of these students and the district goals for the program.</p>
<p>4.3A Administrators and counselors who have authority for program decisions have a minimum of six (6) hours of professional development that includes nature and needs of gifted/talented students and program options for gifted/talented students. (19 TAC §89.2(4))</p>	<p>4.3R Local district boards of trustees are encouraged to pursue professional development on the <i>Texas State Plan for the Education of Gifted/Talented Students</i>.</p>	<p>4.3E Administrators and counselors who have authority for program decisions receive a minimum of six (6) hours annually of professional development in gifted education.</p>
<p>4.4A Evaluation of professional development activities for gifted/talented education is ongoing, and the results of the evaluation are used in making decisions regarding future staff development plans. (19 TAC§89.5)</p>	<p>4.4R Opportunities for professional development in the area of gifted education are provided on a regular basis and information on them is disseminated to professionals in the district.</p>	<p>4.4.1E A long-range plan for professional development culminates in endorsement in gifted/talented education and/or advanced degrees for a majority of the teachers who provide advanced level services.</p> <p>4.4.2E Staff of the program for gifted/talented students are involved in planning and conducting the training.</p>

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a district's accountability ranking.

SECTION 5

FAMILY-COMMUNITY INVOLVEMENT

The district regularly encourages community and family participation in services designed for gifted/talented students.

ACCEPTABLE	RECOGNIZED	EXEMPLARY
<p>5.1A School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. (19 TAC §89.1)</p>	<p>5.1.1R Input from family and community representatives on the assessment procedures is invited prior to submission to the local board of trustees.</p> <p>5.1.2R The school district or campus holds annual meetings or provides information requesting parent and community nominations for program services.</p>	<p>5.1.1E The school district or campus annually provides information and holds meetings requesting parent and community nominations for program services.</p> <p>5.1.2E Parents have the opportunity to participate in a parent association for the gifted/talented.</p>
<p>5.2A School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade twelve and shall inform parents of the opportunities. (19 TAC §89.3)</p>	<p>5.2.1R The district or campus provides orientation and periodic updates for parents of students identified and served in options that are part of the gifted program.</p> <p>5.2.2R A parent/community advisory committee offers support and assistance to the district in program planning and improvement.</p> <p>5.2.3R Products and achievements of gifted students are shared with the community.</p> <p>5.2.4R Presentations are given to community groups and organizations to solicit their involvement in services for gifted students.</p> <p>5.2.5R A data bank of community resources is compiled for use by students, teachers, and parents.</p>	<p>5.2.1E Community volunteers are organized and given special orientation in working with gifted students.</p> <p>5.2.2E Liaisons with business and community organizations are established and the use of community resources (retired community, foundations, universities, etc.) is evident.</p> <p>5.2.3E The district coordinator collaborates with the parent advisory committee to offer professional development opportunities to staff, parents, and community members.</p> <p>5.2.4E The parent/community advisory group solicits support for mentorship and independent study programs in the district.</p>
<p>5.3A The district evaluates the effectiveness of the program annually and uses the data to modify and update district and campus improvement plans. Parents are included in the evaluation process. (TEC §11.251-11.253)</p>		

Services for gifted/talented students are assessed through the Texas Education Agency's District Effectiveness and Compliance system and do not affect a

CHAPTER 29. EDUCATIONAL PROGRAMS

Subchapter D. Education Programs for Gifted and Talented Students

§29.121. Definition

In this subchapter, "gifted and talented students" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

- (1) exhibits high performance capability in an intellectual, creative, or artistic area;
- (2) possesses an unusual capacity for leadership; or
- (3) excels in a specific academic field.

§29.122. Establishment

Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.

§29.123. State Plan: Assistance

The State Board of Education shall develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students. The regional education service centers may assist districts in implementing the state plan. In addition to obtaining assistance from a regional education service center, a district may obtain other assistance in implementing the plan. The plan shall be used for accountability purposes to measure the performance of districts in providing services to students identified as gifted and talented.

Texas Education Code as passed by the 74th Legislature of the State of Texas. Effective September 1, 1995.

CHAPTER 42. FOUNDATION SCHOOL PROGRAM

Subchapter C. Special Allotments

§42.156. Gifted and Talented Student Allotment

- (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment equal to the district's adjusted basic allotment as determined under Section 42.102 or Section 42.103, as applicable, multiplied by .12 for each school year or a greater amount provided by appropriation.
- (b) Funds allocated under this section, other than the amount that represents the programs share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.
- (c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.
- (d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 42.253.
- (e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 42.152 may be used.
- (f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as *MATHCOUNTS*, *Future Problem Solving*, *Odyssey of the Mind*, and *Academic Decathlon*, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education. [Sections 42.157-42.200 reserved for expansion]

Texas Education Code as passed by the 74th Legislature of the State of Texas. Effective September 1, 1995.

TEXAS ADMINISTRATIVE CODE (TAC)

Title 19, Part II

Chapter 89. Adaptations for Special Populations Subchapter A. Gifted/Talented Education

§89.1 Student Assessment

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in The Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

Source: The provisions of the §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690.

§89.2 Professional Development

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776.

§89.3 Student Services

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must include:

- (1) instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
- (2) a continuum of learning experiences that leads to the development of advanced-level products and performances;
- (3) in-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

Source: The provisions of this §89.4 adopted to be effective September 1, 1996, 21 TexReg 5690.

§89.4 Fiscal Responsibility.

School districts shall ensure that:

- (1) no more than 15% of state funds allocated for gifted/talented education are spent on indirect costs.

Source: The provisions of this §89.4 adopted to be effective September 1, 1996, 21 TexReg 5690.

§89.5 Program Accountability.

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in *The Texas State Plan for the Education of the Gifted/Talented*.

Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690.

GLOSSARY

AREA OF GIFTEDNESS	the specific ability in which a student performs or shows potential to perform at a remarkably high level of accomplishment
INTELLECTUAL	possessing superior intelligence, with potential or demonstrated accomplishments in several fields of study; ability to perform complex mental tasks
CREATIVE	possessing outstanding imagination, thinking ability, innovative or creative reasoning ability, ability in problem solving, and/or high attainment in original or creative thinking
ARTISTIC	possessing outstanding ability in the visual and performing arts
LEADERSHIP	possessing the natural ability to influence others; possessing skills in interpersonal relationships demonstrated, for example, by outstanding ability in such activities as student government
SPECIFIC ACADEMIC FIELDS	possessing superior ability or potential in a specific course of study such as science, mathematics, language arts, or social studies
QUALITATIVE MEASURES	measures used to assess student needs that include observations, anecdotal records, checklists, interviews, student products, performances, etc.
QUANTITATIVE MEASURES	standardized tests that are used to assess students
FURLOUGH	a leave of absence from program services that can be due to a variety of circumstances
DEPTH	exploration of content within a discipline; analyzing from the concrete to the abstract, familiar to the unfamiliar, known to the unknown; exploring the discipline by going past facts and concepts into generalizations, principles, theories, laws; investigating the layers of experience within a discipline through details, patterns, trends, unanswered questions, ethical considerations
COMPLEXITY	extending content in, between, and across disciplines through the study of themes, problems, and issues; seeing relationships between and among ideas in/within the topic, discipline, and disciplines; examining relationships in, between, and across disciplines over time, and from multiple points of view
CONTINUUM OF LEARNING EXPERIENCES	articulated learning experiences that provide planned experiences that build upon one another each year a student is in school
ARRAY OF LEARNING EXPERIENCES	a menu of challenging learning experiences or opportunities that fit the unique interests and abilities of advanced level students
CONCURRENT ENROLLMENT	the practice of enrolling in a college or university to earn college or university credit while in high school
DUAL ENROLLMENT	the practice of enrolling in a college or university while enrolled in high school for the purpose of earning high school and college credit simultaneously

COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- (1) acceptance policies on student transfers from other school districts;
- (2) operation of school bus routes or runs on a nonsegregated basis;
- (3) nondiscrimination in extracurricular activities and the use of school facilities;
- (4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
- (5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
- (6) nondiscriminatory practices relating to the use of a student's first language; and
- (7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

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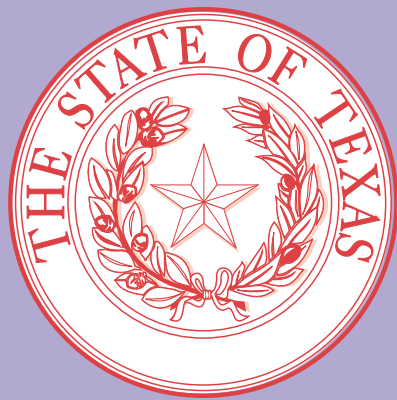
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