

CHAPTER 198

H.B. No. 1393

An Act relating to school programs for gifted and talented students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.652, Education Code, is amended to read as follows:

Sec. 21.652. **ESTABLISHMENT.** *Any school district or two or more school districts jointly may [(a) The Central Education Agency shall] establish a program [exemplary programs] for gif ted and talented students [in various regions of the state].*

[(b) The exemplary programs shall reflect different approaches and alternatives suitable to the needs of the gifted and talented and commensurate with their learning abilities and special talents.

~~[(c) The exemplary programs shall be representative of different types of districts in various parts of the state in terms of size, composition, geographical influences, and shall be proportionate to the number of gifted and talented students and districts to benefit by their establishment.]~~

SECTION 2. Section 21.653, Education Code, is amended to read as follows:

Sec. 21.653. **STUDENT PARTICIPANTS.** Students shall be identified as gifted and talented for a program under this subchapter ~~[the exemplary programs]~~ through the use of criteria established by the State Board of Education.

SECTION 3. Section 21.654, Education Code, is amended to read as follows:

Sec. 21.654. **PROGRAM APPROVAL [APPLICATION].** ~~[(a)]~~ A school district or a combination of school districts electing to establish a ~~[an exemplary]~~ program for gifted and talented students shall submit the program for approval ~~[an application]~~ to the Central Education Agency in accordance with rules adopted by the State Board of Education. The agency shall approve any program that satisfies requirements for a program established by board rule.

~~[(b) To be eligible for funding consideration, an educational program for gifted and talented students shall be planned and conducted for no less than a full school year.]~~

SECTION 4. Subchapter D, Chapter 16, Education Code, is amended by adding Section 16.159 to read as follows:

Sec. 16.159. **GIFTED AND TALENTED STUDENT ALLOTMENT.** (a) For each student a school district serves in a Central Education Agency approved program for gifted and talented students under Subchapter Q, Chapter 21, of this code or, in the case of a district that is developing a program in accordance with standards established by the commissioner of education, for each student the district identifies as gifted and talented under State Board of Education criteria, a district is entitled to an annual allotment equal to the district's adjusted basic allotment as determined under Section 16.102 or Section 16.103 of this code, as applicable, multiplied by:

- (1) .032 for the 1985-1986 school year;
- (2) .035 for the 1986-1987 school year;
- (3) .039 for the 1987-1988 school year;
- (4) .043 for the 1988-1989 school year;
- (5) .047 for the 1989-1990 school year;
- (6) .12 for the 1990-1991 school year and for each school year thereafter unless otherwise specified by rider in the appropriations bill.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing approved programs for gifted and talented students under Subchapter Q, Chapter 21, of this code or, in the case of a district that has not yet established a program, 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 an approved 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 of education shall reduce each district's allotment on a pro rata basis.

(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 distribute the remainder proportionately to the districts that have received an allotment, and no other districts are eligible for an allotment for that school year.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to 10 percent of the funds allocated under this section for programs such as Future Problem Solving Olympics of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services.

SECTION 5. Section 21.656, Education Code, is repealed.

SECTION 6. The State Board of Education shall conduct a study of the implementation of gifted and talented programs in school districts under provisions of this statute and furnish a report and any recommendations to the 70th Legislature. The study shall include the training opportunities of all appropriate personnel including the training of teachers at institutions of higher education and current classroom teachers and administrators for the identification of

gifted/talented students and the appropriate educational programs/practices that are necessary to serve the unique learning needs of these students. The purpose of the study is to encourage districts to identify the gifted and talented students and implement a program to serve the needs of these students through the basic program. The State Board of Education shall include gifted and talented programs in the annual study of accountable costs to school districts.

SECTION 7. This Act takes effect September 1, 1985.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 1393 on May 13, 1985, by a non-record vote; passed by the Senate, with amendments, on May 2, 1985, by a viva-voce vote.

Approved: May 24, 1985

Effective: September 1, 1985