

112TH CONGRESS  
1ST SESSION

# S. 857

To amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

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

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

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”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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.

TITLE II—IMPROVING TEACHING FOR GIFTED AND TALENTED STUDENTS

- Sec. 201. State plans.  
 Sec. 202. Local plans.

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—AIDING GIFTED AND HIGH-ABILITY LEARNERS BY EMPOWERING THE NATION'S TEACHERS

- Sec. 401. Establishment of TALENT program.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Definitions.  
 Sec. 502. Repeal of the Jacob K. Javits gifted and talented program.  
 Sec. 503. Technical and conforming amendments.  
 Sec. 504. Effective date.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

7 (2) There is a growing gap at the highest levels  
 8 of achievement between the performance of sub-  
 9 groups of students, particularly between the per-  
 10 formance of students who are African-American or  
 11 Hispanic and the performance of White students, on

1 statewide assessments and on the National Assess-  
2 ment of Educational Progress.

3 (3) Students with gifts and talents, and high-  
4 ability students who have not been formally identi-  
5 fied for gifted education services, require modifica-  
6 tions to the general education curriculum to fully  
7 meet their potential.

8 (4) Effective assessment and instruction of stu-  
9 dents with gifts and talents requires educators to  
10 have specialized knowledge and skills.

11 (5) Ninety percent of teachers nationwide want  
12 more professional development focused on the skills  
13 necessary for teaching advanced students.

14 (6) Interventions and strategies that have been  
15 demonstrated to be successful with gifted and tal-  
16 ented students can be modified to improve the  
17 achievement of all students.

18 (7) The availability of gifted education pro-  
19 grams and services to students who require such  
20 services is unequal and often relies solely on local re-  
21 sources and leadership, leaving many high-ability  
22 students from rural areas or who are English lan-  
23 guage learners or Hispanic, African-American, or  
24 Native American, among others, without access to  
25 appropriate services.

1           (8) There are an estimated 360,000 students in  
2           the United States who are both gifted and have a  
3           disability. These “twice exceptional” children present  
4           special challenges because their disability often  
5           masks their academic potential or their academic  
6           strengths may mask their disability, resulting in a  
7           lack of services and supports for this student popu-  
8           lation.

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

12                   (A) guide evidence-based classroom prac-  
13                   tices vital to meeting the unique needs of this  
14                   population of students; and

15                   (B) contribute to the decisionmaking of  
16                   educators, families, and policymakers.

17 **SEC. 3. REFERENCES.**

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

1       **TITLE I—IMPROVING BASIC**  
2       **PROGRAM REQUIREMENTS**

3       **SEC. 101. STATE PLANS.**

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

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

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

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

11                   “(iv) include a recognition program  
12                   for local educational agencies in the State  
13                   that, for each category of students de-  
14                   scribed in subsection (b)(2)(C)(v), signifi-  
15                   cantly increase the proportion of students  
16                   scoring at or above the advanced level of  
17                   achievement on the State academic assess-  
18                   ments under subsection (a)(3).”.

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

21           (1) in subparagraph (A)—

22                   (A) by inserting “vertically scaled,” after  
23                   “high-quality,”; and

24                   (B) by inserting “and exceed” after “chil-  
25                   dren to meet”; and

1 (2) in subparagraph (C)—

2 (A) in clause (xiv), by striking “and” after  
3 the semicolon;

4 (B) in clause (xv), by striking the period  
5 and inserting “; and”; and

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

7 “(xvi) measure the full spectrum of  
8 student learning, by being, at a min-  
9 imum—

10 “(I) vertically scaled in alignment  
11 with the State academic content  
12 standards and student academic  
13 achievement standards; and

14 “(II) able to determine student  
15 mastery of content standards above  
16 the grade level in which the student is  
17 enrolled.”.

18 (c) ACCOUNTABILITY SYSTEM.—Section 1111(b) (20  
19 U.S.C. 6311(b)) is amended—

20 (1) in paragraph (8)—

21 (A) in subparagraph (D), by striking  
22 “and” after the semicolon;

23 (B) by redesignating subparagraph (E) as  
24 subparagraph (F); and

1 (C) by inserting after subparagraph (D)  
2 the following:

3 “(E) the specific steps the State edu-  
4 cational agency will take to assist each local  
5 educational agency and school affected by the  
6 State plan to provide additional educational as-  
7 sistance to individual students who—

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

11 “(ii) are gifted and talented (including  
12 high-ability students who have not been  
13 formally identified for gifted education  
14 services); and”;

15 (2) in paragraph (10)(B), by inserting “, in-  
16 cluding students who score at the advanced level of  
17 achievement on State academic assessments de-  
18 scribed in paragraph (3) and students who are gifted  
19 and talented (including high-ability students who  
20 have not been formally identified for gifted edu-  
21 cation services)” before the period at the end.

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

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

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

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

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

6                       “(viii) the most recent 2-year trend in  
7                       student achievement for students scoring  
8                       in the highest 10 percent on the State aca-  
9                       demic assessments under subsection (a)(3),  
10                      in each subject area, and each grade level,  
11                      for which such assessments are required,  
12                      disaggregated by each of the categories de-  
13                      scribed in subsection (b)(2)(C)(v); and”.

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

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

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

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

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

22                       “(R) a description of how the local edu-  
23                       cational agency will identify gifted and talented  
24                       students, including high-ability students who  
25                       have not previously been formally identified for



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

5           (b) SCHOOLWIDE PROGRAMS.—Section 1114(b)(1)  
6 (20 U.S.C. 6314(b)(1)) is amended by adding at the end  
7 the following:

8                   “(K) A description of how the school will  
9           identify gifted and talented students, including  
10          high-ability students who have not previously  
11          been formally identified for gifted education  
12          services, and provide services to support such  
13          students’ learning needs to ensure that such  
14          students make appropriate learning gains.”.

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

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

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

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

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

1 and provide services to support their learning  
2 needs to ensure that gifted and talented and  
3 high-ability students make appropriate learning  
4 gains.”.

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

8 **SEC. 201. STATE PLANS.**

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

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

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

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

1 **SEC. 202. LOCAL PLANS.**

2 Section 2122(b)(2) (20 U.S.C. 6622(b)(2)) is amend-  
3 ed—

4 (1) by striking “to eliminate the achievement”  
5 and inserting the following: “to eliminate—

6 “(A) the achievement”;

7 (2) by striking “students.” and inserting “stu-  
8 dents; and”; and

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

10 “(B) including the achievement gap be-  
11 tween the highest 10 percent of scores on the  
12 State academic assessments for students in  
13 each category described in section  
14 1111(b)(2)(C)(v)(II), as compared to the high-  
15 est 10 percent of such scores for all students  
16 served by the local educational agency.”.

17 **TITLE III—GIFTED AND TAL-**  
18 **ENTED STUDENTS IN RURAL**  
19 **SCHOOLS**

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

21 Section 6211 (20 U.S.C. 7345) is amended by insert-  
22 ing “, including supporting gifted and talented students,  
23 including high-ability students who have not been formally  
24 identified for gifted education services” after “local activi-  
25 ties”.

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

2 Section 6222(a)(2) (20 U.S.C. 7351a(a)(2)) is  
 3 amended by striking “and to” and inserting “, train teach-  
 4 ers to meet the unique learning needs of gifted and tal-  
 5 ented students, including high-ability students who have  
 6 not been formally identified for gifted education services,  
 7 and”.

8 **TITLE IV—AIDING GIFTED AND**  
 9 **HIGH-ABILITY LEARNERS BY**  
 10 **EMPOWERING THE NATION’S**  
 11 **TEACHERS**

12 **SEC. 401. ESTABLISHMENT OF TALENT PROGRAM.**

13 (a) IN GENERAL.—Title II (20 U.S.C. 6601 et seq.)  
 14 is amended by adding at the end the following:

15 **“PART E—AIDING GIFTED AND HIGH-ABILITY**  
 16 **LEARNERS BY EMPOWERING THE NATION’S**  
 17 **TEACHERS**

18 **“SEC. 2501. ESTABLISHMENT OF TALENT PROGRAM.**

19 “(a) PURPOSES AND OBJECTIVES.—

20 “(1) PURPOSES.—The purposes of this part  
 21 are—

22 “(A) to address the urgent need for inno-  
 23 vation in teaching gifted and talented students,  
 24 including high-ability students who have not  
 25 been formally identified for gifted education  
 26 services, by initiating a coordinated program of

1 high-quality professional development for teach-  
2 ers (including gifted and talented teachers),  
3 principals, pupil services personnel, and other  
4 instructional leaders, to support the identifica-  
5 tion and education of gifted and talented stu-  
6 dents, including high-ability students who have  
7 not previously been formally identified for gifted  
8 education services;

9 “(B) to spur the development and dissemi-  
10 nation of evidence-based best practices that ele-  
11 mentary and secondary schools and families can  
12 use to improve instruction and learning by initi-  
13 ating evidence-based demonstration projects  
14 that investigate the effectiveness of services and  
15 programs to meet the special education needs of  
16 gifted and talented students, including high-  
17 ability students who have not been formally  
18 identified for gifted education services; and

19 “(C) to establish a National Research and  
20 Dissemination Center for the Education of the  
21 Gifted and Talented to conduct and synthesize  
22 research and disseminate practical information  
23 on improving education outcomes for gifted and  
24 talented students, including high-ability stu-

1           dents who have not been formally identified for  
2           gifted education services.

3           “(b) APPLICABILITY TO ALL GIFTED STUDENTS.—

4 The provisions of this part apply to all gifted and talented  
5 students, including high-ability students, without regard  
6 as to whether such students have been formally identified  
7 as gifted and talented or selected for gifted education serv-  
8 ices.

9           “(c) PROFESSIONAL DEVELOPMENT AND BEST  
10 PRACTICES GRANT PROGRAM.—

11           “(1) DEFINITION OF ELIGIBLE ENTITY.—In  
12 this subsection, the term ‘eligible entity’ means an  
13 institution of higher education or State educational  
14 agency acting in a partnership that—

15           “(A) includes a State educational agency,  
16 local educational agency, consortium of local  
17 educational agencies, or an institution of higher  
18 education; and

19           “(B) may include other public agencies,  
20 private entities, or organizations, that have  
21 demonstrated expertise in gifted education ped-  
22 agogy.

23           “(2) PROGRAM AUTHORIZED.—

24           “(A) IN GENERAL.—From the amounts  
25 appropriated to carry out this subsection, the

1 Secretary, after consultation with experts in the  
2 field of gifted and talented education, is author-  
3 ized to award, on a competitive basis, grants to  
4 eligible entities to enable the eligible entities to  
5 carry out activities supporting the purposes of  
6 subparagraph (A) or (B) of subsection (a)(1).

7 “(B) DURATION OF DEMONSTRATION  
8 PROJECT GRANTS.—A grant awarded to carry  
9 out the purpose described in subsection  
10 (a)(1)(B) shall be for a period of not less than  
11 3 years nor more than 5 years.

12 “(3) APPLICATIONS.—Each entity seeking a  
13 grant under this subsection shall submit an applica-  
14 tion to the Secretary at such time, in such manner,  
15 and containing such information as the Secretary  
16 may reasonably require. Each such application shall  
17 describe—

18 “(A) in the case of an application for a  
19 grant for the purpose described in subsection  
20 (a)(1)(A), how the proposed professional devel-  
21 opment program is designed in response to a  
22 needs assessment;

23 “(B) in the case of an application for a  
24 grant for the purpose described in subsection  
25 (a)(1)(B)—

1           “(i) how the proposed demonstration  
2           project will support the development and  
3           dissemination of evidence-based strategies  
4           and practices that local educational agen-  
5           cies and families can use to improve the  
6           identification and education of gifted and  
7           talented students, including high-ability  
8           students who have not previously been for-  
9           mally identified for gifted education serv-  
10          ices; and

11           “(ii) how the grantee proposes to dis-  
12          seminate project findings and outcomes to  
13          general education and gifted and talented  
14          education professionals and to parents;

15           “(C) where appropriate, how the profes-  
16          sional development program or demonstration  
17          project can be adapted for use with all stu-  
18          dents; and

19           “(D) how the proposed professional devel-  
20          opment program or demonstration project will  
21          be evaluated.

22           “(4) REVIEW OF DEMONSTRATION PROJECT AP-  
23          PLICATIONS.—In reviewing applications for a grant  
24          for the purpose described in subsection (a)(1)(B),  
25          the Secretary shall select eligible entities for such



1 grants based on one or more of the following prior-  
2 ities:

3 “(A) Improving methods and techniques  
4 for identifying and serving gifted and talented  
5 students, including high-ability students who  
6 have not previously been formally identified for  
7 gifted education services, from underserved pop-  
8 ulations (including economically disadvantaged  
9 individuals, individuals with limited English  
10 proficiency, individuals with disabilities, and in-  
11 dividuals from rural geographic areas).

12 “(B) Developing valid and reliable forma-  
13 tive and summative assessment instruments  
14 that accurately measure student performance  
15 above grade level.

16 “(C) Increasing the ability of teachers in  
17 general education settings to identify and in-  
18 struct gifted and talented students, including  
19 high-ability students who have not previously  
20 been formally identified for gifted education  
21 services.

22 “(D) Exploring the impact on achievement  
23 of various school- and classroom-based edu-  
24 cational strategies such as multi-tiered supports

1 and services, accelerated learning opportunities,  
2 and enrichment.

3 “(E) Improving—

4 “(i) access to advanced programs and  
5 services by traditionally underserved popu-  
6 lations; and

7 “(ii) the effectiveness of the programs  
8 and services for such populations.

9 “(F) Replicating, on a larger scale, suc-  
10 cessful evidence-based practices.

11 “(5) AUTHORIZED USE OF FUNDS.—

12 “(A) ENSURING NECESSARY TEACHING  
13 SKILLS.—An eligible entity receiving a grant for  
14 the purpose described in subsection (a)(1)(A)  
15 shall use grant funds to ensure that school per-  
16 sonnel, including teachers, principals, pupil  
17 services personnel, and other instructional lead-  
18 ers, have the necessary teaching skills and edu-  
19 cational strategies to ensure that gifted and tal-  
20 ented students, including high-ability students  
21 who have not been formally identified for gifted  
22 education services, are achieving at levels com-  
23 mensurate with the students’ ability or apti-  
24 tude, by implementing a professional develop-  
25 ment program that—

1           “(i) enables school personnel to recog-  
2           nize the learning differences, develop-  
3           mental milestones, and cognitive and affec-  
4           tive characteristics of gifted and talented  
5           students, including gifted and talented stu-  
6           dents from diverse backgrounds and high-  
7           ability students who have not been for-  
8           mally identified for gifted education serv-  
9           ices, and to identify the students’ related  
10          academic and social-emotional needs;

11          “(ii) enables educators to—

12               “(I) understand, plan, and imple-  
13               ment a range of evidence-based strate-  
14               gies to assess students who are gifted  
15               and talented, including high-ability  
16               students who have not previously been  
17               formally identified for gifted education  
18               services, to differentiate instruction,  
19               content, and assignments for such  
20               students (including the use of higher-  
21               order critical and creative thinking  
22               skills), and to nominate such students  
23               for advanced programs or academic  
24               acceleration, as needed; and

1                   “(II) understand how, if appro-  
2                   priate, such strategies may be adapted  
3                   for the use of all students; and

4                   “(iii) builds the capacity of teachers,  
5                   principals, pupil services personnel, and  
6                   other instructional leaders to identify and  
7                   serve such students.

8                   “(B) SUPPORTING EVIDENCE-BASED RE-  
9                   SEARCH DEMONSTRATION PROJECTS.—An eligi-  
10                  ble entity receiving a grant for the purpose de-  
11                  scribed in subsection (a)(1)(B) shall use grant  
12                  funds to—

13                  “(i) conduct field-based research to  
14                  develop innovative practices, assessment  
15                  tools for gifted identification, materials,  
16                  and other practices and strategies, that are  
17                  designed specifically to address the needs  
18                  of gifted and talented students, including  
19                  high-ability students who have not been  
20                  formally identified for gifted education  
21                  services; and

22                  “(ii) provide research findings and  
23                  other grant results to the National Re-  
24                  search and Dissemination Center estab-  
25                  lished under subsection (d) not later than

1           12 months after the completion of the  
2           grant period for synthesis and dissemina-  
3           tion.

4           “(d) NATIONAL RESEARCH AND DISSEMINATION  
5 CENTER FOR THE EDUCATION OF THE GIFTED AND TAL-  
6 ENTED.—

7           “(1) DEFINITION OF ELIGIBLE ENTITY.—In  
8 this subsection, the term ‘eligible entity’ means a  
9 partnership composed of not less than one of each  
10 of the following:

11                   “(A) An institution of higher education  
12 with expertise in gifted and talented education.

13                   “(B) A nonprofit organization with an es-  
14 tablished national network of stakeholders, in-  
15 cluding parents and classroom educators, inter-  
16 ested in serving the unique learning needs of  
17 gifted and talented students, including high-  
18 ability students who have not been formally  
19 identified for gifted education services.

20           “(2) ESTABLISHMENT OF NATIONAL RESEARCH  
21 AND DISSEMINATION CENTER.—From the amounts  
22 appropriated under section 2502(b)(1) to carry out  
23 this subsection, the Secretary, through a competitive  
24 grant process, is authorized to award a grant to an  
25 eligible entity to enable the eligible entity to estab-

1       lish a National Research and Dissemination Center  
2       for the Education of the Gifted and Talented that  
3       is focused on the unique needs of gifted and talented  
4       students, including high-ability students who have  
5       not been formally identified for gifted education  
6       services.

7               “(3) AUTHORIZED USE OF FUNDS.—An eligible  
8       entity that receives a grant under this subsection  
9       shall use the funds provided under the grant to  
10      carry out all of the following activities:

11              “(A) Conduct evidence-based research on  
12              methods and techniques for identifying and  
13              serving gifted and talented students, including  
14              high-ability students who have not previously  
15              been formally identified for gifted education  
16              services and, where appropriate, for using the  
17              methods and techniques to serve all students.

18              “(B) Develop and disseminate evidence-  
19              based resources on the unique learning needs of  
20              students who are gifted and talented, including  
21              high-ability students who have not been for-  
22              mally identified for gifted education services, in  
23              order to—

24                      “(i) support teacher training and pro-  
25                      fessional development strategies to improve

1 the teaching skills of teachers (including  
2 general education, gifted and talented, and  
3 special education teachers); and

4 “(ii) assist parents in supporting their  
5 gifted and talented children’s education.

6 “(C)(i) Synthesize research findings and  
7 strategies (including research produced under  
8 grants awarded under subsection (c)) on meet-  
9 ing the needs of gifted and talented students,  
10 including high-ability students who have not  
11 been formally identified for gifted education  
12 services.

13 “(ii) Disseminate such research findings  
14 and strategies widely, including to—

15 “(I) the regional comprehensive cen-  
16 ters authorized under section 203 of the  
17 Educational Technical Assistance Act of  
18 2002 that provide technical assistance to  
19 States and local educational agencies; and

20 “(II) the technical assistance and dis-  
21 semination centers and parent training and  
22 information centers authorized under sec-  
23 tions 663 and 671, respectively, of the In-  
24 dividuals with Disabilities Education Act.

1       “(e) ANNUAL REPORTING.—Each entity receiving a  
2 grant under this part shall submit an annual report to  
3 the Secretary that describes the number of students served  
4 and the activities supported with funds provided under  
5 this part.

6       “(f) RULE OF CONSTRUCTION.—Nothing in this part  
7 shall be construed to prohibit a recipient of funds under  
8 this part from serving gifted and talented students simul-  
9 taneously with students with similar educational needs, in  
10 the same educational settings where appropriate.

11       “(g) PROGRAM PRIORITIES.—In carrying out this  
12 part, the Secretary shall ensure that not less than 50 per-  
13 cent of the applications approved under subsection (c) in  
14 a fiscal year address one or more of the following prior-  
15 ities:

16               “(1) Improving the capability of schools to plan  
17 and conduct targeted gifted and talented interven-  
18 tions and academic services to ensure that the rate  
19 of growth in academic achievement of subgroups of  
20 gifted and talented or high-ability students who may  
21 not be identified and served through traditional as-  
22 sessment methods (including economically disadvan-  
23 taged individuals, individuals with limited English  
24 proficiency, and individuals with disabilities) is com-  
25 mensurate with their aptitude or ability.



1           “(2) Assisting rural schools and local edu-  
2           cational agencies in providing services to gifted and  
3           talented students, including high-ability students  
4           who have not previously been formally identified for  
5           gifted education services.

6           “(h) GENERAL PROVISIONS.—

7           “(1) REVIEW, DISSEMINATION, AND EVALUA-  
8           TION.—The Secretary shall—

9                   “(A) use a peer review process in reviewing  
10                   applications under this part;

11                   “(B) ensure that information on the activi-  
12                   ties and results of programs and projects fund-  
13                   ed under this part is disseminated to State edu-  
14                   cational agencies, local educational agencies, in-  
15                   stitution of higher education teacher prepara-  
16                   tion programs, and other appropriate organiza-  
17                   tions, including nonprofit organizations; and

18                   “(C) evaluate the effectiveness of programs  
19                   under this part in accordance with section  
20                   9601, in terms of the impact on students tradi-  
21                   tionally served in separate gifted and talented  
22                   programs and on other students, and submit  
23                   the results of such evaluation to Congress not  
24                   later than 2 years after the date of enactment

1 of the To Aid Gifted and High-Ability Learners  
2 by Empowering the Nation’s Teachers Act.

3 “(2) PROGRAM OPERATIONS.—The Secretary  
4 shall ensure that the programs under this part are  
5 administered within the Department by a person  
6 who has recognized professional qualifications and  
7 experience in the field of gifted and talented edu-  
8 cation. Such individual shall—

9 “(A) administer and coordinate the pro-  
10 grams authorized under this part;

11 “(B) serve as a focal point of national  
12 leadership and information on the educational  
13 needs of gifted and talented students, including  
14 high-ability students who have not been for-  
15 mally identified for gifted education services,  
16 and the availability of educational services and  
17 programs designed to meet such needs;

18 “(C) assist the Director of the Institute of  
19 Education Sciences in identifying research and  
20 data collection priorities that reflect the needs  
21 of gifted and talented students, including high-  
22 ability students who have not been formally  
23 identified for gifted education services, and  
24 would facilitate appropriate decisionmaking by  
25 local educational agencies;

1           “(D) consult with other offices within the  
2 Department of Education and in other Federal  
3 departments or agencies regarding issues in-  
4 volving gifted and talented education, and dis-  
5 seminate information on gifted and talented  
6 education to such offices and the public; and

7           “(E)(i) every 2 years, prepare and submit  
8 to the Committee on Health, Education, Labor,  
9 and Pensions of the Senate and the Committee  
10 on Education and the Workforce of the House  
11 of Representatives, a report on the outcomes  
12 and promising practices developed through pro-  
13 grams or projects funded under this part, as  
14 well as the condition of gifted and talented stu-  
15 dents in the United States; and

16           “(ii) share such report with the Institute  
17 for Education Sciences and the National Re-  
18 search and Dissemination Center for the Edu-  
19 cation of the Gifted and Talented established  
20 under subsection (d), in order for the report to  
21 be disseminated nationally.

22 **“SEC. 2502. AUTHORIZATION OF APPROPRIATIONS.**

23           “(a) IN GENERAL.—There are authorized to be ap-  
24 propriated to carry out this part \$25,000,000 for fiscal

1 year 2013 and such sums as may be necessary for each  
2 succeeding fiscal year.

3 “(b) ALLOCATION OF FUNDING.—Of the amounts  
4 appropriated under subsection (a) for a fiscal year, the  
5 Secretary—

6 “(1) shall allocate an amount not to exceed 20  
7 percent of the funds to carry out section 2501(d);  
8 and

9 “(2) shall, from the amount remaining after the  
10 allocation under paragraph (1)—

11 “(A) allocate 60 percent of such remaining  
12 amount to carry out grants described in section  
13 2501(a)(1)(A); and

14 “(B) allocate 40 percent of the remaining  
15 amount to carry out grants described in section  
16 2501(a)(1)(B).”.

## 17 **TITLE V—GENERAL PROVISIONS**

### 18 **SEC. 501. DEFINITIONS.**

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

20 (1) by redesignating paragraph (43) as para-  
21 graph (44); and

22 (2) by inserting after paragraph (42) the fol-  
23 lowing:

1           “(43) 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. REPEAL OF THE JACOB K. JAVITS GIFTED AND**  
5 **TALENTED PROGRAM.**

6           (a) IN GENERAL.—Subpart 6 of part D of title V  
7 (20 U.S.C. 7253 et seq.) is repealed.

8           (b) TRANSITION PROVISIONS.—Notwithstanding any  
9 other provision of law, the Secretary of Education shall  
10 take such steps as are necessary to provide for the orderly  
11 transition to the authority of part E of title II of the Ele-  
12 mentary and Secondary Education Act of 1965 (as en-  
13 acted by title IV of this Act), from any authority under  
14 subpart 6 of part D of title V of the Elementary and Sec-  
15 ondary Education Act of 1965 (20 U.S.C. 7253 et seq.)  
16 (as such subpart was in effect on the day before the effec-  
17 tive date of this Act).

18 **SEC. 503. TECHNICAL AND CONFORMING AMENDMENTS.**

19           (a) TABLE OF CONTENTS.—The table of contents in  
20 section 2 of the Elementary and Secondary Education Act  
21 of 1965 is amended—

22                   (1) by striking the items relating to subpart 6  
23                   of part D of title V; and

24                   (2) by inserting after the item relating to sec-  
25                   tion 2441 the following:

“PART E—AIDING GIFTED AND HIGH-ABILITY LEARNERS BY EMPOWERING  
THE NATION’S TEACHERS

“Sec. 2501. Establishment of TALENT program.

“Sec. 2502. Authorization of appropriations.”.

1           (b) AMENDMENTS TO EDUCATION SCIENCES RE-  
2 FORM ACT OF 2002.—The Education Sciences Reform  
3 Act of 2002 (20 U.S.C. 9501) is amended—

4           (1) in section 133(c)(2), by adding after sub-  
5 section (K) the following:

6                   “(L) The condition of education for gifted  
7 and talented students.”; and

8           (2) in section 153(a)(3), by inserting “including  
9 children who are gifted and talented,” after “popu-  
10 lation characteristics,”.

11 **SEC. 504. EFFECTIVE DATE.**

12           This Act, and the amendments made by this Act,  
13 shall take effect 1 year after the date of enactment of this  
14 Act.

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