

# TEXAS STATE PLAN FOR THE EDUCATION OF GIFTED/TALENTED STUDENTS

Revised April 2019

SBOE Approved 2019

**TEXAS EDUCATION AGENCY**

**1701 NORTH CONGRESS AVENUE**

**AUSTIN, TEXAS 78701**

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## FOREWORD

In 1977, the Texas Legislature passed its first legislation concerning the education of gifted/talented (G/T) students. In 1979, state funds for providing services to G/T children were made available, but providing such services was optional for school districts. In 1987, the Texas Legislature mandated that all school districts must identify and serve G/T students at all grade levels. In 1990, the *Texas State Plan for the Education of Gifted/Talented Students* (State Plan) was adopted by the Texas State Board of Education (SBOE) that included a commitment to high-level learning opportunities for G/T learners expressed in the following goal:

STATE GOAL FOR SERVICES FOR  
GIFTED/TALENTED STUDENTS

Students who participate in services designed for gifted/talented 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/talented students will have produced products and performances of professional quality as part of their program services.

In 1999, the 76<sup>th</sup> Texas Legislature introduced Rider 69 which spurred the initial development and ongoing refinement of the Texas Performance Standards Project for Gifted/Talented Students (TPSP) as a vehicle through which districts might address the stated goal. With the TPSP and ongoing research to inform and improve practice, Texas educators are committed to meeting the unique needs of G/T students and to expanding the ways to do so. To learn more about programs and resources for G/T education in Texas visit the Texas Education Agency (TEA) G/T website at [https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Gifted\\_and\\_Talented\\_Education/Gifted\\_Talented\\_Education/](https://tea.texas.gov/Academics/Special_Student_Populations/Gifted_and_Talented_Education/Gifted_Talented_Education/), contact a local Texas public school district or regional education service center (ESC), or email TEA at [gted@tea.texas.gov](mailto:gted@tea.texas.gov).

Pursuant to Section 29.123 of the Texas Education Code (TEC), the State Plan forms the basis of G/T standards of services into accountability and exemplary. The plan offers an outline for services without prohibitive regulation. Districts are accountable for services as described in the State Plan where performance measures are included for six aspects of G/T service design. The accountability standards reflect actions required in state law and/or SBOE rule. Many districts, in collaboration with their communities, will provide more comprehensive services incorporating research-based best practices for G/T learners.

To offer some guidance to those districts and campuses, standards for “exemplary” performance are included in the plan and provide viable targets that local district educators seeking excellence, both for their district and for their students, may strive to attain.

The TEA assists districts in providing comprehensive services to G/T learners in the following ways:

- Provides information on best practices, developments, and achievements in the field of G/T education to all interested parties
- Develops materials designed to assist districts in the development and implementation of model assessment procedures and services
- Facilitates partnerships among parents, institutions of higher education, communities, and school districts to design comprehensive G/T services
- Sponsors demonstration projects and develops materials that support the implementation of Advanced Placement and International Baccalaureate programs that are differentiated for the G/T students
- Collaborates with business and industry to provide additional opportunities for G/T students
- Monitors and implements any state and/or federal legislation designed to provide educational opportunities for G/T students

Through the combined efforts of the TEA, the Education Service Centers, local district personnel, colleges and universities, and the communities they serve, *all* children will experience an academically challenging education that enables them to maximize their potential.

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## FIDELITY OF SERVICES

**School districts comply with gifted/talented accountability standards and monitor the effectiveness of assessment and services for gifted/talented students.**

<b>Accountability</b>	<b>Exemplary</b>
1.1 Student assessment and services are in compliance with the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5).	
1.2 Gifted/talented education policies and procedures are reviewed and recommendations for improvement are made by an advisory group of community members, parents of gifted/talented students, school staff, and gifted/talented education staff, who meet regularly for that purpose.	
1.3 To the extent that state funding is provided for gifted/talented student education, no more than 45% of state funds allocated for gifted/talented education is spent on indirect costs as defined in the Financial Accounting and Reporting Module (Financial Accountability Resource Guide). At least 55% of the funds allocated to gifted/talented education is spent on assessment and services for gifted students (19 TAC §105.11).	1.3.1 To the extent that state funding is provided for gifted/talented student education, additional funding from business partnerships, scholarships, parent group fundraisers, etc. is used to supplement the state and local funding.
1.4 To the extent that state funding is provided for gifted/talented student education, local funding for gifted/talented education programs is used to supplement the state funding.	
1.5 Annual evaluation activities are conducted for the purpose of continued service development.	1.5.1 Ongoing formative and summative evaluation strategies, based on quantitative and qualitative data, are reviewed by the school board and used for substantive program improvement and development.
1.6 Long-range evaluation of services is based on evidence obtained through gifted/talented-appropriate performance measures such as those provided through the Texas Performance Standards Project (TPSP).	

<b>Accountability</b>	<b>Exemplary</b>
1.7 The development and delivery of curriculum for gifted/talented students is monitored regularly by trained administrators.	
1.8 District guidelines for evaluation of resources used to serve gifted/talented students are established and used in selecting materials that are appropriate for differentiated learning.	
1.9 Curriculum for gifted/talented students is modified based on annual evaluations.	1.9.1 Gifted/talented curriculum is designed and evaluated through collaboration by specialists in content areas, special populations, instructional techniques, and gifted/talented education.
1.10 Develop a comprehensive manual or program guide describing all gifted/talented programs, services, assessments, and communication, which is accessible to parents, community and students and includes district G/T contact information.	1.10.1 Develop a comprehensive manual or program guide describing all gifted/talented programs, services, assessments, and communication which is accessible to parents, community and students including district G/T contact information that is reported to the state.
1.11 For any standard of service for which the district is out of compliance, develop a written plan specifying actions and timelines for achieving compliance.	
1.12 Funds used for programs and services must be determined effective and consistent with the standards set forth in this document.	
	1.13.1 Release time and/or extended contracts are provided to enable teachers at all levels to form horizontal and vertical teams that coordinate gifted/talented services in the district.

## STUDENT ASSESSMENT

**Gifted/talented identification procedures and progress monitoring allow students to demonstrate and develop their diverse talents and abilities.**

<b>Accountability</b>	<b>Exemplary</b>
2.1 Written policies on student identification for gifted/talented services are approved by the district board of trustees and disseminated to all parents (19 TAC §89.1).	2.1.1 Board-approved policies are reviewed at least once every three years and modified as needed.
2.2 Referral procedures 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 to the extent possible.	
2.3 Referral forms for assessment of gifted/talented students are provided to families in a language and form that the families understand, or a translator or interpreter is provided to the extent possible.	2.3.1 Referral forms for assessment of gifted/talented students are provided to families in language and form that the families understand, or a translator or interpreter is provided.
2.4 Families and staff are informed of individual student assessment results and placement decisions as well as given opportunities to schedule conferences to discuss assessment data.	
2.5 An awareness session providing an overview of the assessment procedures and services for gifted/talented students is offered for families by the district and/or campus prior to the referral period.	
2.6 All family meetings are offered in a language families can understand or a translator or interpreter is provided to the extent possible.	
2.7 Provisions regarding transfer students, furloughs, reassessment, exiting of students from program services, and appeals of district decisions regarding program placement are included in board-approved policy (19 TAC §89.1(5)).	

<b>Accountability</b>	<b>Exemplary</b>
2.8 Policy ensuring that transfer students are properly assessed and appropriately placed following notification of enrollment in the district is included in board-approved policy. Transfers from campus to campus within the district are also addressed in board-approved policy.	2.8.1 Equitable access to gifted/talented services for transfer students is provided through board-approved policy that is developed in consideration of current best-practice recommendations.
2.9 When a gifted/talented student transfers to another district either in or out of Texas, that district is provided with the student's assessment data by the sending district.	
2.10 Policy is adopted allowing student furlough (the opportunity 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.	
2.11 Policy related to reassessment of gifted/talented students is based on performance in response to gifted/talented services 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.	
2.12 Policy related to exiting of students from gifted/talented services is based on multiple criteria including student performance in response to services. Exiting of a student is finalized by committee decision after consultation with parents and student regarding the student's educational needs.	2.12.1 Policy related to exiting of students from gifted/talented services is based on multiple criteria including student performance in response to services. Interventions are provided prior to committee decision. Exiting of a student is finalized by committee decision after consultation with parents and student regarding the student's educational needs.
2.13 Policy related to appeals allows parents, students, and educators to appeal placement decisions in a timely manner and to present new data, if appropriate.	
2.14 Provisions for ongoing identification of students who perform or show potential for performing at remarkably high levels of accomplishment in each area of	2.14.1 The identification process for gifted/talented services is ongoing, and assessment of students occurs at any time the need arises.

<b>Accountability</b>	<b>Exemplary</b>
<p>giftedness served by the district are included in board-approved policy (19 TAC §89.1(1)).</p>	
<p>2.15 Assessment opportunities for gifted/talented identification are made available to students at least once per school year.</p>	<p>2.15.1 Assessment opportunities for gifted/talented identification are made available to students at least once a year at the elementary grades and once a semester at the secondary level.</p>
<p>2.16 Students in grades K–12 shall be assessed and, if identified, provided gifted/talented services (TEC §29.122 and 19 TAC §89.1(3)).</p>	<p>2.16.1 Students in grades K–12 are assessed and, if identified, served in all areas of giftedness included in TEC §29.121.</p>
<p>2.17 Data collected from multiple sources for each area of giftedness served by the district are included in the assessment process for gifted/talented services (19 TAC §89.1(2)). The assessment process allows for student exceptionalities to the extent possible.</p>	
<p>2.18 Based on a review of information gathered during the assessment process, students whose data reflect that gifted/talented services will be the most effective way to meet their identified educational needs are recommended by the selection committee for gifted/talented services.</p>	
<p>2.19 Students are assessed in languages they understand or with nonverbal assessments.</p>	
<p>2.20 All kindergarten students are automatically considered for gifted/talented and other advanced level services.</p>	
<p>2.21 At the kindergarten level, as many criteria as possible, and at least three (3), are used to assess students who performs at or shows the potential of accomplishment relative to age peers.</p>	
<p>2.22 In grades 1–12, qualitative and quantitative data are collected through three (3) or more measures and used to determine whether a student needs gifted/talented services.</p>	

<b>Accountability</b>	<b>Exemplary</b>
2.23 If services are available in leadership, artistic, and creativity areas, a minimum of three (3) criteria are used for assessment.	
2.24 Access to assessment and, if needed, gifted/talented services is available to all populations of the district (19 TAC §89.1(3)).	
2.25 The population of the gifted/talented services program is closely reflective of the population of the total district and/or campus.	
2.26 Final determination of students' need for gifted/talented services 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/talented students and who have met and reviewed the individual student data (19 TAC §89.1(4)).	
2.27 The selection committee is formed of members who have completed training as required by 19 TAC §89.2.	2.27.1 The selection committee is formed of a majority of members who have completed thirty (30) hours of training and are current with the six-hour training update as required by 19 TAC §89.2(2-3).
2.28 A balanced examination of all assessment data collected through the district's gifted/talented assessment process is conducted and used by the selection committee in making identification decisions.	2.28.1 Additional data beyond that collected through the district's standard gifted/talented assessment process are considered, as needed, by the selection committee in making identification decisions in order to make the most appropriate placement.
2.29 Student progress/performance in response to gifted/talented services is periodically assessed using standards in the areas served and identified in the written plan. Results are communicated to parents or guardians.	

## SERVICE DESIGN

**A flexible system of viable service options provides a research-based learning continuum that is developed and consistently implemented throughout the district to meet the needs and reinforce the strengths and interests of gifted/talented students.**

<b>Accountability</b>	<b>Exemplary</b>
3.1 Identified gifted/talented students are assured an array of learning opportunities that are commensurate with their abilities and that emphasize content in the four (4) foundation curricular 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)).	3.1.1 Specialists and advocates for gifted/talented students are consulted in the development of program policies and options.
3.2 Information concerning special opportunities (i.e. contests, academic recognition, summer camps, community programs, volunteer opportunities, etc.) is available and disseminated to parents and community members.	
3.3 Services for gifted/talented students are comprehensive, structured, sequenced, and appropriately challenging, including options in the four (4) foundation curricular areas.	3.3.1 Services for gifted/talented students are comprehensive, structured, sequenced, and appropriately challenging, including options in the four (4) foundation curricular areas: arts, leadership, creativity, and career & technical education.
3.4 Gifted/talented students are ensured opportunities to work together as a group, work with other students, and work independently during the school day as well as the entire school year as a direct result of gifted/talented service options (19 TAC §89.3(1)).	
3.5 Flexible grouping patterns and independent investigations are provided throughout the program design/services.	
3.6 Out-of-school options relevant to the students' areas of strength are provided by school districts whenever possible (19 TAC §89.3(3)).	3.6.1 Options that meet the needs of gifted/talented students are available on a continuous basis outside the regular school day.
3.7 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 opportunities (TEC §56.203).	

<b>Accountability</b>	<b>Exemplary</b>
3.8 Acceleration and flexible pacing are employed, allowing students to learn at the pace and level appropriate for their abilities and skills, and are actively facilitated by district administrators, counselors, and teachers.	
3.9 Local board policies are developed that enable students to participate in dual/concurrent enrollment, distance learning opportunities, and accelerated summer programs if available.	
3.10 A person who has thirty (30) hours of professional learning in gifted/talented education and annual six (6) hour professional learning updates as required in 19 TAC §89.2(1) is assigned to coordinate district level services for gifted/talented students in grades K–12.	3.10.1. A person or persons with a gifted/talented endorsement, supplementary certification, or advanced degree in gifted/talented education is assigned to coordinate the district’s K–12 gifted/talented education services.
3.11 Develop and implement services to address the social and emotional needs of gifted/talented students and their impact on student learning.	
	3.12.1 Gifted/Talented Education Plans for identified students detail the individual gifted/talented needs and services.

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## CURRICULUM AND INSTRUCTION

**Districts meet the needs of gifted/talented students by modifying the depth, complexity, and pacing of the curriculum and instruction ordinarily provided by the school.**

Accountability	Exemplary
4.1 An array of appropriately challenging learning experiences in each of the four (4) foundation curricular areas is provided for gifted/talented students in grades K–12, and parents are informed of the opportunities (19 TAC §89.3).	4.1.1 Curriculum options in intellectual, creative and/or artistic areas; leadership; and specific academic fields are provided for gifted/talented students.
4.2 Opportunities are provided for students to pursue areas of interest in selected disciplines through guided and independent research.	
4.3 A continuum of learning experiences is provided that leads to the development of advanced-level products and/or performances such as those provided through the Texas Performance Standards Project (TPSP) (19 TAC §89.3(2)).	4.3.1 Students who have been served in a gifted program for one or more years are provided the opportunity, through gifted/talented curricula, to develop sophisticated products and/or performances assessed by external evaluators who are knowledgeable in the field that is the focus of the product.
4.4 Participation in the Texas Performance Standards Project (TPSP), or other experiences that result in the development of sophisticated products and/or performances that are targeted to an audience outside the classroom, is available through gifted/talented curricula.	
4.5 Opportunities are provided to accelerate in areas of student strengths (19 TAC §89.3(4)).	
4.6 Flexible pacing is employed, allowing students to learn at the pace and level appropriate to their abilities and skills.	
4.7 Scheduling modifications are implemented in order to meet the identified needs of individual students.	
4.8 Provisions to improve services to gifted/talented students are included in district and campus improvement plans (TEC §§11.251-11.253).	4.8.1 Resources and release time for staff are provided for curriculum development for gifted/talented services.
4.9 Educators adapt and/or modify the core or standard curriculum to meet the needs of gifted/talented students and those with special needs such as twice-exceptional, highly gifted, and English learners.	
	4.10.1 Release time and/or extended contracts are provided to enable teachers at all levels to form vertical

<b>Accountability</b>	<b>Exemplary</b>
	teams that coordinate gifted/talented services in the district.

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## PROFESSIONAL LEARNING

**All personnel involved in the planning, creation, delivery and administration of services to gifted/talented students possess the knowledge required to develop and provide differentiated programs and services.**

Accountability	Exemplary
<p>5.1 A minimum of thirty (30) clock hours of professional learning that includes nature and needs of gifted/talented students, identification and assessment of gifted/talented students, and curriculum and instruction for gifted/talented students is required for teachers who provide instruction and services that are a part of the district's defined gifted/talented services. Teachers are required to have completed the thirty (30) hours of professional learning prior to their assignment to the district's gifted/talented services (19 TAC §89.2(1)).</p>	
<p>5.2 Teachers without required training who are assigned to provide instruction and services that are part of the district's defined gifted/talented services are required to complete the thirty (30) hour training within one semester (19 TAC §89.2(2)).</p>	
<p>5.3 Teachers are encouraged to obtain additional professional learning in their teaching discipline and/or in gifted/talented education.</p>	<p>5.3.1 District support in the form of release time or tuition assistance is available for graduate studies in gifted/talented education for teachers who provide services to gifted/talented students.</p> <p>5.3.2 Teachers are encouraged to pursue advanced degrees in their teaching discipline and/or in gifted/talented education.</p> <p>5.3.3 Release time is provided for teachers and administrators to visit campuses or districts that have model services for gifted/talented students.</p>
<p>5.4 A written plan for professional learning in the area of gifted/talented education that is based on identified needs is implemented and updated annually.</p>	
<p>5.5 Opportunities for professional learning in the area of gifted/talented education are provided on a regular basis, and information on them is disseminated to professionals in the district.</p>	<p>5.5.1 Mentors and others who offer specialized instruction for gifted/talented students are provided training or resources to increase their understanding of the nature and needs of these students and the district goals for the students, including the state goal for gifted/talented students.</p>

<b>Accountability</b>	<b>Exemplary</b>
<p>5.6 Teachers who provide instruction and services that are a part of the district’s defined gifted/talented services receive a minimum of six (6) hours annually of professional development in gifted/talented education that is related to state teacher gifted/talented education standards (19 TAC §89.2(3) and TAC §233.1).</p>	<p>5.6.1 Teachers who provide instruction and services that are a part of the district’s defined gifted/talented services receive a minimum of six (6) hours annually of professional development in gifted/talented education based on evaluation of G/T services.</p> <p>5.6.2 All staff receive an orientation to the district’s gifted/talented identification processes and gifted/talented services provided by the district or campus, along with training on the nature and needs of the gifted/talented.</p>
<p>5.7 Annually, each teacher new to the district receives an orientation to the district’s gifted/talented identification processes and the district’s services for gifted/talented students.</p>	
<p>5.8 Teachers as well as administrators who have supervisory duties for service decisions are required to complete a minimum of six (6) hours of professional development that includes nature and needs of gifted/talented students and service options for gifted/talented students (19 TAC §89.2(4)).</p>	<p>5.8.1 Administrators who have authority for gifted/talented service decisions receive a minimum of six (6) hours annually of professional development in gifted/talented education.</p>
<p>5.9 Counselors who work with gifted/talented students are required to complete a minimum of six (6) hours of professional development that includes nature and needs of gifted/talented students, service options for gifted/talented students, and social emotional learning (19 TAC §89.2(4)).</p>	<p>5.9.1 Counselors who work with gifted/talented students receive a minimum of six (6) hours annually of professional development in gifted/talented education.</p>
<p>5.10 Local district boards of trustees are trained to ensure program accountability based on the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5).</p>	<p>5.10.1 Local district boards of trustees are encouraged to pursue professional development on the Texas State Plan for the Education of Gifted/Talented Students.</p>
<p>5.11 Evaluation of professional learning activities for gifted/talented education is ongoing and related to state teacher gifted/talented education standards, and the results of the evaluation are used in making decisions regarding future staff development plans (19 TAC §89.5 and TAC §233.1).</p>	<p>5.11.1 A long-range plan for professional development that culminates in graduate studies in gifted/talented education, supplemental gifted/talented certification, advanced degrees in gifted/talented education, and/or their teaching discipline is pursued by a majority of the teachers who provide advanced-level and/or gifted/talented services.</p>
<p>5.12 Gifted/talented services staff are involved in planning, reviewing, and/or conducting the district’s gifted/talented professional learning.</p>	

## FAMILY/COMMUNITY INVOLVEMENT

**The district involves family and community members in services designed for gifted/talented students throughout the school year.**

Accountability	Exemplary
6.1 Written policies are developed on gifted/talented student identification, approved by the local board of trustees and disseminated to parents (19 TAC §89.1).	
6.2 Input from family and community representatives on gifted/talented identification and assessment procedures is invited annually.	
6.3 Information is shared or meetings are held annually requesting parent and community recommendations regarding students who may need gifted/talented services.	
6.4 The opportunity to participate in a parent association and/or gifted/talented advocacy groups is provided to parents and community members.	6.4.1 Support and assistance is provided to the district in gifted/talented service planning and improvement by a parent/community advisory committee.
6.5 An array of learning opportunities is provided for gifted/talented students in grades K–12, and parents are informed of all gifted/talented services and opportunities (19 TAC §89.3).	
6.6 Products and achievements of gifted/talented students are shared with the community.	
6.7 Orientation and periodic updates are provided for parents of students who are identified as gifted/talented and provided gifted/talented services.	
6.8 The effectiveness of gifted/talented services is evaluated annually, shared with the board of trustees, and the data is used to modify and update district and campus improvement plans. Parents are included in the evaluation process, and the outcomes and findings of the evaluation are shared with parents (TEC §§11.251–11.253).	
	6.9.1 Community volunteers are organized and provided an orientation about working with gifted/talented students.
	6.10.1 Liaisons with business and community organizations are established, and the use of community resources (retired community members, foundations, universities, etc.) is evident in the service options available for gifted/talented students.

Accountability	Exemplary
	6.11.1 Professional development opportunities are offered by the gifted/talented coordinator in collaboration with the parent advisory committee to staff, parents, and community members.
	6.12.1 Presentations are given to community groups and organizations to solicit their involvement in services for gifted/talented students.
	6.13.1 A data bank of resources is compiled for use by gifted/talented students, their teachers, and their parents.
	6.14.1 Support for mentorship and independent study programs in the district is solicited by the parent/community advisory committee.

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# TEXAS EDUCATION CODE

## CHAPTER 29. EDUCATIONAL PROGRAMS

### Subchapter D. Educational 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.**

- (a) 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.
- (b) Each school district shall adopt a policy regarding the use of funds to support the district’s program for gifted and talented students.

#### **§29.124. Certification and Reporting Required.**

- (a) Each school district shall annually certify to the commissioner that the district has established a program for gifted and talented students as required by this subchapter and that the program is consistent with the state plan developed under Section 29.123.
- (b) If the commissioner determines that a school district has failed to comply with Subsection (a) for a school year, the commissioner shall reduce the total amount of funding to which the district is entitled under Chapter 48 for that school year by an amount equal to the basic allotment multiplied by the product of:
  - (1) 0.12; and
  - (2) an amount equal to five percent of the students in average daily attendance in the district.
- (c) The commissioner may restore to a school district all or part of the funding withheld from the district’s entitlement under Subsection (b) if during the school year the district complies with Subsection (a).
- (d) At the same time that a school district makes the certification required under Subsection (a), the district shall report to the commissioner regarding the use of funds on the district’s program for gifted and talented students as provided by State Board of Education rule.
- (e) Nothing in this section may be construed as limiting the number of students that a school district may identify as gifted and talented or serve under the district’s program for gifted and talented students.

**TEXAS EDUCATION CODE**  
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 repealed by the 86th Legislature of the State of Texas. Effective September 1, 1995.

# TEXAS ADMINISTRATIVE CODE

## 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(s) of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.

#### **§89.4 Fiscal Responsibility.**

Repealed. Please see §105.11 below.

Source: The provisions of this §89.4 repealed to be effective May 23, 2011, 36 TexReg 3187.

#### **§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.

#### **§105.11. Maximum Allowable Indirect Cost.**

No more than 48% of each school district's Foundation School Program (FSP) special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, bilingual education and special language programs, and special education. No more than 45% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to gifted and talented education programs. No more than 42% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to career and technical education programs. Indirect costs may be attributed to the following expenditure function codes: 34—Student Transportation; 41—General Administration; 81—Facilities Acquisition and Construction; and the Function 90 series of the general fund, as defined in the Texas Education Agency publication, Financial Accountability System Resource Guide.

(b) For the 2012–2013 school year and each year thereafter, a school district may choose to use a greater indirect cost allotment under the Texas Education Code, §§ 42.151, 42.153, 42.154, and 42.156, to the extent the school district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–2012 school year. The commissioner of education shall develop a methodology for a school district to make a determination under this section and may require any information necessary to implement this subsection. The commissioner's methodology must limit the percentage increase in allowable indirect cost to no more than the percentage decrease in state and local maintenance and operations revenue from the 2011–2012 school year.

Source: The provisions of this §105.11 adopted to be effective September 1, 1996, 21 TexReg 5710; amended to be effective December 5, 2004, 29 TexReg 11347; amended to be effective December 31, 2009, 34 TexReg 9439; amended to be effective December 26, 2011, 36 TexReg 8825.

## Glossary

Term	Definition
<b>Acceleration</b>	<p>Acceleration is an academic intervention that matches the level, complexity, and pace of the curriculum with the readiness and motivation of the student. It involves mastering knowledge and skills at a rate faster or at an age earlier than the norm.</p> <p>From <i>A Nation Deceived</i>—Colangelo, N., Assouline, S., &amp; Gross, M. U. M. (2004). <i>A nation deceived: How schools hold back America's brightest students</i> (Vol. 1). Iowa City: University of Iowa, Connie Belin &amp; Jacqueline N. Blank International Center for Gifted Education and Talent Development</p>
<b>Area of Giftedness</b>	the specific set of abilities in which a student performs or shows potential to perform at a remarkably high level of accomplishment
<b>Array of Learning Experiences</b>	a menu of challenging activities or opportunities that fit the unique interests and abilities of advanced-level students
<b>Artistically Gifted</b>	possessing outstanding ability in the visual and/or performing arts
<b>Complexity</b>	extension of 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
<b>Concurrent Enrollment</b>	the practice of enrolling in a college or university to earn college or university credit while in high school
<b>Continuum of Learning Experiences</b>	articulated intellectual, artistic, creative, and/or leadership activities and opportunities that build upon one another each year a student is in school
<b>Creatively Gifted</b>	possessing outstanding imagination, thinking ability, innovative or creative reasoning ability, ability in problem solving, and/or high attainment in original or creative thinking

Term	Definition
<b>Credit by Exam (CBE)</b>	method in which a student may receive credit for a subject/course or accelerate through a grade by taking one or more exams
<b>Depth</b>	exploration of content within a discipline to include analyzing from the concrete to the abstract, the familiar to the unfamiliar, the known to the unknown; exploring the discipline by going beyond facts and concepts into generalizations, principles, theories, laws; investigating the layers of experience within a discipline through details, patterns, trends, unanswered questions, and/or ethical considerations
<b>Differentiation</b>	modification of curriculum and instruction according to content, pacing, process and/or product to meet unique student needs in the classroom
<b>Diversity</b>	the presence of difference between individuals and among groups including but not limited to age, socioeconomics, education, race and ethnicity, gender, sexual orientation, culture, and religious beliefs
<b>Dual Credit</b>	an opportunity for a student to earn high school credit for successful completion of a college course
<b>Flexible Pacing</b>	Flexible pacing is defined as placing students at an appropriate instructional level and allowing them to move forward in the curriculum as they master content and skills. Flexible pacing is achieved by such methods as continuous progress, compacted course, advanced level courses, grade skipping, early entrance, concurrent or dual enrollment, and credit by examination.
<b>Foundation Curricular Areas</b>	English language arts/reading, mathematics, science, and social studies
<b>Furlough</b>	a leave of absence from program services
<b>Gifted in Leadership</b>	possessing the natural ability to influence others; possessing skills in interpersonal relationships demonstrated, for example, by outstanding ability in such activities as student government

Term	Definition
<b>Gifted in Specific Academic Fields</b>	possessing superior ability or potential in a specific course of study such as English language arts/reading, mathematics, science, or social studies
<b>Gifted/Talented Services</b>	services and activities not ordinarily provided by the school that are specifically designed to fully develop the capabilities of students who give evidence of high achievement or capability in areas such as intellectual, creative, artistic, or leadership capacity
<b>Independent Study</b>	self-directed learning strategy where the teacher acts as guide or facilitator, and the student plays a more active role in designing and managing his or her own learning
<b>Intellectually Gifted</b>	possessing superior intelligence, with potential or demonstrated accomplishments in several fields of study; ability to perform complex mental tasks
<b>Mentor</b>	an individual who shares his or her expertise with a student of similar career or field-of-study aspirations
<b>Qualitative Measures</b>	performance indicators that cannot be recorded numerically and that include observations, anecdotal records, checklists, interviews, student products, performances, etc.
<b>Quantitative Measures</b>	performance indicators that can be expressed in terms of definite numbers or amounts such as scores on achievement tests
<b>Texas Performance Standards Project (TPSP)</b>	statewide standards and assessment system which includes instructional materials designed to provide assistance as districts achieve the state goal for gifted/talented students (complete information at <a href="http://www.texaspsp.org/">http://www.texaspsp.org/</a> )
<b>Twice-Exceptional</b>	<p>A "twice-exceptional learner" is 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:</p> <ol style="list-style-type: none"> <li>1. exhibits high performance capability in an intellectual, creative, or artistic area;</li> <li>2. possesses an unusual capacity for leadership; or</li> <li>3. excels in a specific academic field (<a href="#">TEC 29.121</a>)</li> </ol>

Term	Definition
	and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria.

SBOE Approved 2019

## 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.