

By: Madden

H.B. No. 2058

A BILL TO BE ENTITLED

AN ACT

relating to education programs for gifted and talented students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.123, Education Code, is amended to read as follows:

Sec. 29.123. STATE PLAN; ASSISTANCE. (a) The State Board of Education shall develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students.

(b) The regional education service centers may assist districts in implementing the state plan. In addition to obtaining assistance from a regional education service center, a district may obtain other assistance in implementing the plan.

(c) The plan shall be used for accountability purposes to measure the performance of districts in providing services to students identified as gifted and talented. The plan's accountability measures must be performance-based.

SECTION 2. Subchapter D, Chapter 29, Education Code, is amended by adding Sections 29.1231, 29.124, 29.125, and 29.126 to read as follows:

Sec. 29.1231. STATE PLAN DURING 2006-2007 SCHOOL YEAR FOR CERTAIN SCHOOL DISTRICTS. (a) During the 2006-2007 school year, a school district may participate in either the state plan developed

1 by the State Board of Education for the 2005-2006 school year or the
2 performance-based state plan developed by the board for the
3 2006-2007 school year.

4 (b) A school district that participates in the state plan
5 developed for the 2005-2006 school year must fully comply with that
6 state plan, but is not subject to the requirements of Section 29.124
7 or 29.125.

8 (c) A school district that participates in the state plan
9 developed for the 2005-2006 school year is entitled to funding for
10 not more than five percent of the district's students in average
11 daily attendance who are eligible for funding under Section 42.156.

12 (d) Beginning with the 2007-2008 school year, each school
13 district shall participate in and comply with the performance-based
14 state plan.

15 (e) This section expires September 1, 2007.

16 Sec. 29.124. MINIMUM LEVEL OF PERFORMANCE UNDER STATE PLAN.

17 (a) The agency shall set a minimum level of performance that a
18 school district is required to achieve in order to be in compliance
19 with the state plan. The agency may periodically raise the level of
20 performance so that a district is required to demonstrate that an
21 increasing number of gifted and talented students in the district
22 are meeting increasingly higher performance levels.

23 (b) A school district that achieves the minimum level of
24 performance is entitled to funding for each district student in
25 average daily attendance who is eligible for funding under Section
26 42.156.

27 (c) A school district that does not achieve the minimum

1 level of performance for two consecutive school years must develop
2 and implement a plan of action for achieving the minimum level of
3 performance the following school year. A district that does not
4 achieve the minimum level of performance the following school year
5 is subject to sanctions as determined by the agency. The sanctions
6 may include a loss of funding for the district's gifted and talented
7 program.

8 Sec. 29.125. DOCUMENTATION OF COMPLIANCE WITH STATE PLAN.

9 (a) To receive funding under Section 42.156, each school year a
10 school district shall provide the agency with information that:

11 (1) demonstrates that the district has achieved the
12 minimum level of performance set by the agency under Section
13 29.124;

14 (2) documents any changes in the total number of
15 full-time equivalent gifted and talented personnel in the district;
16 and

17 (3) documents any reduction in district resources
18 dedicated to gifted and talented programs in the district.

19 (b) After evaluating the information submitted by a school
20 district under Subsection (a), the agency may request additional
21 information from the district to verify that the district has
22 achieved the minimum level of performance set by the agency under
23 Section 29.124.

24 Sec. 29.126. ACCOUNTABILITY REPORTS. The campus report
25 card under Section 39.052, the performance report under Section
26 39.053, and the comprehensive annual report under Section 39.182
27 must include information on the race, ethnicity, gender,

1 socioeconomic status, and limited English proficiency status of
2 gifted and talented students at the campus, in the district, or in
3 the state, as applicable. The reports must also analyze the
4 percentage of gifted and talented students who were formerly
5 identified as students of limited English proficiency and who have
6 since exited from a bilingual education or special language
7 program.

8 SECTION 3. Section 42.156(c), Education Code, is repealed.

9 SECTION 4. This Act applies beginning with the 2006-2007
10 school year.

11 SECTION 5. This Act takes effect September 1, 2005.