

# House Bill 3037

Sponsored by Representative WHISNANT (at the request of Oregon Association for Talented and Gifted)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Talented and Gifted Committee. Specifies duties of committee. Directs committee to administer funds appropriated for talented and gifted programs.

Declares emergency, effective July 1, 2007.

## A BILL FOR AN ACT

1  
2 Relating to talented and gifted program; creating new provisions; amending ORS 343.397, 343.399,  
3 343.401 and 343.404; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 5 of this 2007 Act are added to and made a part of ORS 343.391**  
6 **to 343.413.**

7 **SECTION 2. (1) There is created the Talented and Gifted Committee, consisting of the**  
8 **following members appointed by the Governor:**

9 (a) **A representative of the Department of Education.**

10 (b) **A representative of the State Board of Education.**

11 (c) **A representative of regional talented and gifted program planning groups.**

12 (d) **A representative of higher education.**

13 (e) **Two representatives of kindergarten through grade 12 public schools.**

14 (f) **Two members selected from a list of nominees submitted by the Oregon Association**  
15 **of Talented and Gifted.**

16 (g) **One member selected from a list of nominees submitted by the Confederation of**  
17 **Oregon School Administrators.**

18 (h) **One member selected from a list of nominees submitted by the Oregon School Boards**  
19 **Association.**

20 (i) **Two representatives of community groups with an interest in education.**

21 (j) **One representative of the Teacher Standards and Practices Commission.**

22 (k) **One member who is a former talented and gifted specialist with the Department of**  
23 **Education, if possible.**

24 (L) **One member who is a current talented and gifted specialist with the Department of**  
25 **Education.**

26 (2) **In addition to the members appointed under subsection (1) of this section, the fol-**  
27 **lowing persons shall serve on the committee as nonvoting advisory members:**

28 (a) **A member of the Senate, appointed by the President of the Senate.**

29 (b) **A member of the House of Representatives, appointed by the Speaker of the House**  
30 **of Representatives.**

31 (3) **The Governor shall select the chairperson of the committee from among the members**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 appointed by the Governor.

2 (4) A majority of the voting members of the committee constitutes a quorum for the  
3 transaction of business.

4 (5) Official action by the committee requires the approval of a majority of the voting  
5 members of the committee.

6 (6) The committee may adopt rules necessary for the operation of the committee and the  
7 programs the committee is charged with administering.

8 (7) The term of office of each voting member is four years, but a voting member serves  
9 at the pleasure of the Governor. Before the expiration of the term of a voting member, the  
10 Governor shall appoint a successor whose term begins on July 1 next following. A voting  
11 member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall  
12 make an appointment to become immediately effective for the unexpired term.

13 (8) The committee shall meet at times and places specified by the call of the chairperson  
14 or of a majority of the voting members of the committee. The committee shall meet no fewer  
15 than four times per year.

16 (9) The Department of Education shall provide staff support to the committee.

17 (10) Members of the committee who are not members of the Legislative Assembly are  
18 not entitled to compensation, but may be reimbursed for actual and necessary travel and  
19 other expenses incurred by them in the performance of their official duties in the manner  
20 and amounts provided for in ORS 292.495. Claims for expenses incurred in performing func-  
21 tions of the committee shall be paid out of funds appropriated to the department for that  
22 purpose.

23 (11) All agencies of state government, as defined in ORS 174.111, and school districts are  
24 directed to assist the committee in the performance of its duties and, to the extent permitted  
25 by laws relating to confidentiality, to furnish such information and advice as the members  
26 of the committee consider necessary to perform their duties.

27 **SECTION 3.** Notwithstanding the term of office specified by section 2 of this 2007 Act,  
28 of the members first appointed by the Governor to the Talented and Gifted Committee:

29 (1) Five shall serve for terms ending June 30, 2009.

30 (2) Five shall serve for terms ending June 30, 2010.

31 (3) The remainder shall serve for terms ending June 30, 2011.

32 **SECTION 4.** The Talented and Gifted Committee shall:

33 (1) Establish standards for continuing professional education on talented and gifted pro-  
34 grams;

35 (2) Monitor rules adopted by the State Board of Education relating to talented and gifted  
36 students for possible amendment and study the implementation of the rules to ensure that  
37 the rules are aligned with broader education policies;

38 (3) Administer the talented and gifted grant program; and

39 (4) Report to the Governor and the Legislative Assembly each biennium on recommen-  
40 dations for educating talented and gifted students.

41 **SECTION 5.** During the 2007-2009 biennium, the Talented and Gifted Committee shall:

42 (1) Investigate the status of talented and gifted student education in Oregon;

43 (2) Prepare a funding recommendation for talented and gifted programs for the next  
44 biennium; and

45 (3) Develop recommendations for talented and gifted education training and a talented

1 **and gifted teacher license endorsement.**

2 **SECTION 6.** ORS 343.397 is amended to read:

3 343.397. Any school district may submit to the [*Superintendent of Public Instruction*] **Talented**  
 4 **and Gifted Committee** for approval a written plan of instruction for talented and gifted children.  
 5 The plan shall include, but not be limited to:

- 6 (1) A statement of school district policy on the education of talented and gifted children;
- 7 (2) An assessment of current special programs and services provided by the district for talented  
 8 and gifted children;
- 9 (3) A statement of district goals for providing comprehensive special programs and services and  
 10 over what span of time the goals will be achieved;
- 11 (4) A description of the nature of the special programs and services which will be provided to  
 12 accomplish the goals; and
- 13 (5) A plan for evaluating progress on the district plan including each component program and  
 14 service.

15 **SECTION 7.** ORS 343.399 is amended to read:

16 343.399. (1) Any school district may apply for state funds for special programs and services for  
 17 talented and gifted children identified in the district.

18 (2) The [*Superintendent of Public Instruction*] **Talented and Gifted Committee** shall annually  
 19 establish a date after which no further applications shall be received for state funds under this  
 20 section.

21 (3) The [*superintendent*] **committee** shall select applications from among those that comply with  
 22 ORS 343.391 to 343.413 and rules adopted by the [*State Board of Education*] **committee**. Any criteria  
 23 used by the [*superintendent*] **committee** to evaluate applications shall include, but not be limited to:

- 24 (a) A statement of the school district's present level of special educational programs and ser-  
 25 vices for the talented and gifted and how the special educational programs and services contained  
 26 in the application conform with the school district's written plan.
- 27 (b) Identification procedures that comply with rules adopted by the **State Board of Education**.
- 28 (c) A detailed budget for the program expenditures.
- 29 (d) A description of the individual student assessment and evaluative procedures and tools.
- 30 (e) A justification of special educational services and programs for identified talented and gifted  
 31 students in terms of the student assessment and evaluation.
- 32 (f) An evaluation design [*which*] **that** meets standards set forth by the [*Department of*  
 33 *Education*] **committee**.

34 **SECTION 8.** ORS 343.401 is amended to read:

35 343.401. (1) **The Talented and Gifted Committee, in consultation with the Department of**  
 36 **Education, shall administer** the funds specifically appropriated for the **talented and gifted** pro-  
 37 gram under ORS 343.391 to 343.413. **The funds** shall be distributed to districts that have approved,  
 38 written plans and have submitted an application to the [*Superintendent of Public Instruction which*  
 39 *has been*] **committee that the committee has** approved.

40 (2) State funds shall be allocated on an approved program cost basis, the amount of which shall  
 41 be established by the [*State Board of Education*] **committee** annually.

42 (3) No application shall be approved by the [*superintendent*] **committee** unless the district  
 43 agrees to expend district funds for special educational programs for talented and gifted children in  
 44 an amount equal **to** or greater than the amount of state funds approved by the [*superintendent*]  
 45 **committee**.

1 (4) The districts shall account for the grant funds as expended for the identified pupils on a form  
2 acceptable to the [*Department of Education*] **committee**, as described in rules adopted by the  
3 [*board*] **committee**.

4 **SECTION 9.** ORS 343.404 is amended to read:

5 343.404. (1) The [*Superintendent of Public Instruction*] **Talented and Gifted Committee** may  
6 annually expend funds appropriated for the talented and gifted program to provide support for the  
7 development of talented and gifted education statewide.

8 (2) These services may include:

9 (a) Teacher training programs and workshops;

10 (b) Consultant and technical assistance to districts;

11 (c) Small grants to and contracts with school districts, education service districts, colleges and  
12 universities and private contractors to produce and disseminate curriculum and instruction materi-  
13 als to other school districts; and

14 (d) Training and assistance for parents of the talented and gifted children in meeting the edu-  
15 cational needs of their children.

16 [(3) *The amount of funds that may be expended for purposes described in this section shall not*  
17 *exceed 10 percent of the amount appropriated in a biennium for purposes of ORS 343.391 to 343.413.*]

18 **SECTION 10.** **This 2007 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
20 **July 1, 2007.**

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