

**Enrolled**  
**House Bill 2180**

Sponsored by Representatives TOMEI, WHISNANT; Representatives BAILEY, BOONE, DOHERTY, ROBLAN, THATCHER, Senators BONAMICI, DEVLIN, DINGFELDER (at the request of Oregon Association for Talented and Gifted) (Presession filed.)

CHAPTER .....

AN ACT

Relating to talented and gifted programs; creating new provisions; amending ORS 343.395, 343.397, 343.399, 343.401 and 343.411; and declaring an emergency.

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

**SECTION 1.** ORS 343.397 is amended to read:

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

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

**SECTION 2.** ORS 343.395 is amended to read:

343.395. As used in ORS 343.391 to 343.413, unless the context requires otherwise:

- (1) "Application" means a request [by a school district] for state funds **that is submitted by a school district under ORS 343.399** to develop and operate programs for students under [an approved,] a written plan [as contained] **of instruction for talented and gifted children described** in ORS 343.397.
- [(2) "Board" means the State Board of Education.]
- [(3) "Department" means the Department of Education.]
- [(4)] (2) "Identification" means the formal process of screening and selecting talented and gifted children according to administrative rules established by the board.
- [(5)] (3) "School district" has the [same] meaning [as] **given that term** in ORS 330.005 (2). [and also] **"School district"** includes, where appropriate, an education service district, state operated schools or programs or a consortium of school districts submitting a joint [plan] **application**.
- [(6) "Superintendent" means the Superintendent of Public Instruction.]
- [(7)] (4) "Talented and gifted children" means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in

order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:

- (a) General intellectual ability as commonly measured by measures of intelligence and aptitude.
- (b) Unusual academic ability in one or more academic areas.
- (c) Creative ability in using original or nontraditional methods in thinking and producing.
- (d) Leadership ability in motivating the performance of others either in educational or noneducational settings.
- (e) Ability in the visual or performing arts, such as dance, music or art.

**SECTION 3.** ORS 343.399 is amended to read:

343.399. (1) Any school district may apply for state funds for special programs and services for talented and gifted children identified in the district. **A school district may apply for state funds by submitting an application to the Superintendent of Public Instruction.**

(2) The superintendent [*of Public Instruction*] shall annually establish a date after which no further applications [*shall be received*] for state funds **may be submitted** under this section.

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

(a) A statement of the school district's present level of special educational programs and services for [*the*] talented and gifted **children** and how the special educational programs and services contained in the application conform with the school district's written plan **for instruction for talented and gifted children described in ORS 343.397.**

(b) Identification procedures that comply with rules adopted by the board.

(c) A detailed budget for the program expenditures.

(d) A description of the individual student assessment and evaluative procedures and tools.

(e) A justification of special educational services and programs for [*identified*] talented and gifted [*students*] **children identified in the school district** in terms of the student assessment and evaluation.

(f) An evaluation design [*which*] **that** meets standards set forth by the Department of Education.

**(4) The superintendent may not approve an application unless the school district agrees to expend district funds for special educational programs for talented and gifted children in an amount equal to or greater than the amount of state funds approved by the superintendent.**

**SECTION 4.** ORS 343.401 is amended to read:

343.401. (1) Except as provided in ORS 343.404, the funds specifically appropriated for the program under ORS 343.391 to 343.413 shall be distributed **only** to **school** districts [*that have approved, written plans and have submitted an application*] **whose applications submitted** to the Superintendent of Public Instruction [*that has*] **pursuant to ORS 343.399 have** been approved.

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

[*3) The superintendent may not approve an application unless the district agrees to expend district funds for special educational programs for talented and gifted children in an amount equal or greater than the amount of state funds approved by the superintendent.*]

[*4) (3) [The] School* districts shall account for the [*grant*] **state** funds [*as*] expended for [*the identified pupils*] **talented and gifted children identified in the districts** on a form acceptable to the Department of Education, as described in rules adopted by the board.

**SECTION 5.** ORS 343.411 is amended to read:

343.411. (1) ORS 343.407 and 343.409 [*shall*] apply to the identification of and provision of special educational programs and services for [*the talented and gifted as*] **children** described in ORS 343.395 [(7)(a)] **(4)(a)** and (b) and rules adopted by the State Board of Education.

(2) School districts may identify and provide special educational programs and services for [*students*] **children** who demonstrate creative abilities, leadership abilities or unusual abilities in the

visual or performing arts as described in ORS 343.395 [(7)(c)] (4)(c), (d) and (e) and rules adopted by the board.

(3) The board shall adopt state guidelines for the identification and provision of special educational programs and services described in subsection (2) of this section.

**SECTION 6. The amendments to ORS 343.395, 343.397, 343.399, 343.401 and 343.411 by sections 1 to 5 of this 2011 Act first apply to the 2011-2012 school year.**

**SECTION 7. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect July 1, 2011.**

**Passed by House April 7, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate May 11, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State