

# House Bill 2180

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

## 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**.

Requires school district to submit written plan of instruction for talented and gifted children to Superintendent of Public Instruction. Allows superintendent to approve plan only if plan is submitted as part of application for state funds.

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to talented and gifted programs; creating new provisions; amending ORS 343.395, 343.397,  
3 343.399, 343.401 and 343.411; and declaring an emergency.

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

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

6 343.397. *[Any]* A school district *[may]* **shall** submit to the Superintendent of Public Instruction  
7 *[for approval]* a written plan of instruction for talented and gifted children. The plan shall include,  
8 but not be limited to:

9 (1) A statement of school district policy on the education of talented and gifted children;

10 (2) An assessment of current special programs and services provided by the district for talented  
11 and gifted children;

12 (3) A statement of district goals for providing comprehensive special programs and services and  
13 over what span of time the goals will be achieved;

14 (4) A description of the nature of the special programs and services which will be provided to  
15 accomplish the goals; and

16 (5) A plan for evaluating progress on the district plan including each component program and  
17 service.

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

19 343.395. As used in ORS 343.391 to 343.413, unless the context requires otherwise:

20 (1) "Application" means a request *[by a school district]* for state funds **that is submitted by a**  
21 **school district under ORS 343.399** to develop and operate programs for students under *[an ap-*  
22 *proved,]* a written plan *[as contained]* **of instruction for talented and gifted children described**  
23 in ORS 343.397.

24 *[(2) "Board" means the State Board of Education.]*

25 *[(3) "Department" means the Department of Education.]*

26 *[(4)]* (2) "Identification" means the formal process of screening and selecting talented and gifted  
27 children according to administrative rules established by the board.

28 *[(5)]* (3) "School district" has the *[same]* meaning *[as]* **given that term** in ORS 330.005 (2). *[and*  
29 *also]* **"School district"** includes, where appropriate, an education service district, state operated

**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 schools or programs or a consortium of school districts submitting a joint *[plan]* **application.**

2 *[(6) "Superintendent" means the Superintendent of Public Instruction.]*

3 *[(7) (4) "Talented and gifted children" means those children who require special educational*  
 4 *programs or services, or both, beyond those normally provided by the regular school program in*  
 5 *order to realize their contribution to self and society and who demonstrate outstanding ability or*  
 6 *potential in one or more of the following areas:*

7 (a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

8 (b) Unusual academic ability in one or more academic areas.

9 (c) Creative ability in using original or nontraditional methods in thinking and producing.

10 (d) Leadership ability in motivating the performance of others either in educational or nonedu-  
 11 cational settings.

12 (e) Ability in the visual or performing arts, such as dance, music or art.

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

14 343.399. (1) Any school district may apply for state funds for special programs and services for  
 15 talented and gifted children identified in the district. **A school district may apply for state funds**  
 16 **by submitting an application to the Superintendent of Public Instruction.**

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

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

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

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

27 (c) A detailed budget for the program expenditures.

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

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

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

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

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

38 343.401. (1) Except as provided in ORS 343.404, the funds specifically appropriated for the pro-  
 39 gram under ORS 343.391 to 343.413 shall be distributed **only** to **school** districts *[that have approved,*  
 40 *written plans and have submitted an application]* **whose applications submitted** to the Superinten-  
 41 dent of Public Instruction *[that has]* **pursuant to ORS 343.399 have** been approved.

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

44 *[(3) The superintendent may not approve an application unless the district agrees to expend district*  
 45 *funds for special educational programs for talented and gifted children in an amount equal or greater*

1 *than the amount of state funds approved by the superintendent.]*

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

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

6 343.411. (1) ORS 343.407 and 343.409 [shall] apply to the identification of and provision of special  
7 educational programs and services for [*the talented and gifted as*] **children** described in ORS 343.395  
8 [(7)(a)] (4)(a) and (b) and rules adopted by the State Board of Education.

9 (2) School districts may identify and provide special educational programs and services for  
10 [*students*] **children** who demonstrate creative abilities, leadership abilities or unusual abilities in the  
11 visual or performing arts as described in ORS 343.395 [(7)(c)] (4)(c), (d) and (e) and rules adopted  
12 by the board.

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

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

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

20