A district shall establish a process for identifying and serving gifted and talented students and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" 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.

Education Code 29.121

Identification

Students shall be identified as gifted/talented in accordance with a written policy that includes:

1. 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 Education Code 29.121.

2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.

3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, to services provided for the gifted/talented program.

4. Provisions 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.

5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

19 TAC 89.1

Learning Opportunities

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall 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 of strength that are available during the entire school year.

4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Certification and Reporting

A district shall annually certify to the commissioner of education that the district has established a program for gifted and talented students as required by Education Code Chapter 29, Subchapter D and that the program is consistent with the state plan.

If the commissioner determines that a district has failed to comply for a school year, the commissioner shall reduce the total amount of funding as described by Education Code 29.124(b). The commissioner may restore to a district all or part of the funding withheld if during the school year the district complies with the program requirements.

At the same time that a district makes the certification described above, 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.

Nothing in these provisions 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.

Education Code 29.124

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.