

## Assembly Bill No. 2313

### CHAPTER 748

An act to amend Sections 52205, 52206, 52209, and 52212 of, to repeal Sections 52204 and 52208 of, and to repeal and add Section 52211 of, the Education Code, relating to gifted and talented pupils.

[Approved by Governor September 26, 2000. Filed  
with Secretary of State September 27, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2313, Correa. Education: gifted and talented pupils.

(1) Under existing law, the Gifted and Talented Pupil Program authorizes school districts that provided a mentally gifted minor program in the 1978-79 school year to participate in that program. Under existing law, the Superintendent of Public Instruction is required to apportion funds to eligible school districts in a specified manner that apportions funds to each participating school district based on a different dollar amount per pupil depending on the number of participating pupils in the program.

This bill would delete those provisions and add provisions that revise the method of apportioning funds for the gifted and talented program so that each participating school district receives a per-pupil amount based on average daily attendance, determined as specified. The bill would also remove certain restrictions on the use of funds for gifted and talented pupil programs.

(2) Under existing law, the Superintendent of Public Instruction is required to meet certain requirements in administering the Gifted and Talented Program, including giving priority in technical assistance to those districts receiving the greatest increase in funds.

This bill would delete that requirement.

(3) Under existing law, the governing boards of school districts that provide gifted and talented programs may establish programs consisting of special day classes, part-time grouping, enrichment activities, cluster grouping, independent study, acceleration, postsecondary education opportunities, and other program approaches authorized by the governing board of the school district. Existing law provides that if the school district provides any of these programs, it must provide them for a specified amount of time each week.

This bill would instead require that programs for gifted and talented pupils be planned and organized as an integrated differentiated learning experience within the regular school day, and may be augmented with other differentiated activities related to the core curriculum.

(4) Existing law requires the governing board of each school district providing gifted and talented programs to conduct an annual assessment of the program and to develop procedures that ensure the ongoing participation of parents of gifted and talented pupils in the planning and evaluation of those programs.

This bill would delete those provisions. The bill would instead require a school district, each time it submits an application for renewal of its GATE authorization, to submit a program assessment, in accordance with criteria adopted by the State Board of Education.

*The people of the State of California do enact as follows:*

SECTION 1. Section 52204 of the Education Code is repealed.

SEC. 2. Section 52205 of the Education Code is amended to read:

52205. The Superintendent of Public Instruction shall:

(a) Apportion funds pursuant to this chapter to each district for which an application to offer programs pursuant to this chapter has been approved by the State Board of Education according to this chapter and regulations adopted by the board.

(b) Assist school district governing boards, upon their request, to design, implement, and evaluate programs funded under this chapter.

(c) Ensure that the expenditure of funds authorized for programs pursuant to this chapter is consistent with this chapter.

(d) Encourage the development of locally designed, innovative programs for gifted and talented pupils.

(e) Assist districts in the development and implementation of staff development programs related to gifted and talented pupils.

(f) Encourage the development of procedures that assure the ongoing participation of parents of gifted and talented pupils in the planning and evaluation of programs funded pursuant to this chapter.

SEC. 3. Section 52206 of the Education Code is amended to read:

52206. (a) The governing boards of school districts that elect to provide programs pursuant to this chapter may establish programs for gifted and talented pupils consisting of special day classes, part-time groupings, and cluster groupings, consistent with the regulations of the State Board of Education. These programs shall be planned and organized as an integrated, differentiated learning experience within the regular school day, and may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration, postsecondary education, and enrichment.

(b) Each participating governing board shall determine the most appropriate curricular components for participating pupils within its district.



(c) For all programs for gifted and talented pupils, including programs for pupils with high creative capabilities and talents in the performing and visual arts, each participating governing board shall concentrate part of its curriculum on providing participating pupils with an academic component and, where appropriate, with instruction in basic skills.

SEC. 4. Section 52208 of the Education Code is repealed.

SEC. 5. Section 52209 of the Education Code is amended to read:

52209. The governing board of any school district that provides a program for gifted and talented pupils pursuant to this chapter may:

(a) Conduct programs, seminars, and classes for gifted and talented pupils within or without the boundaries of the school district and, for that purpose, employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Transport or arrange for transportation of pupils to or from educational institutions where regularly scheduled programs and classes are being conducted.

Attendance of pupils at these programs, seminars, and classes shall be included in computing the average daily attendance of the district for the purposes of apportionments from the State School Fund.

Funds provided in support of this chapter shall be used solely for the purposes of this chapter. Allowances provided in any fiscal year but not expended in that year may be expended in subsequent fiscal years.

SEC. 6. Section 52211 of the Education Code is repealed.

SEC. 7. Section 52211 is added to the Education Code, to read:

52211. The Superintendent of Public Instruction shall, beginning in the 2001–02 school year, apportion funds to school districts pursuant to the provisions of this section. The superintendent shall perform the following calculations:

(a) Divide the total funding available for gifted and talented education (GATE) by the statewide total units of average daily attendance in kindergarten and grades 1 to 12, inclusive, at the second principle apportionment of the prior year, for all school districts participating in the GATE program in the current year.

(b) Multiply the dollar amount computed in subdivision (a) by the average daily attendance at the second principle apportionment of the prior year for each participating school district.

(c) No school district with fewer than 1,500 pupils in average daily attendance shall receive less to support its GATE program than two thousand five hundred dollars (\$2,500) or the amount it received in 1998–99, whichever is greater.

(d) No district shall receive less per average daily attendance than the amount it received per average daily attendance in the 1999–2000 school year.



(e) The dollar amount in subdivision (c) shall be increased annually by the percentage inflation adjustment provided to the revenue limits of unified school districts of over 1,500 pupils in average daily attendance.

SEC. 8. Section 52212 of the Education Code is amended to read:

52212. (a) (1) Each applicant school district shall submit an application for approval for a proposed program for gifted and talented pupils to the State Board of Education. The application shall be submitted in the form and manner prescribed by the Superintendent of Public Instruction. An application shall be approved for a period of one, two, or three years, or denied, based on the quality of the plan, in accordance with criteria adopted by the State Board of Education. Those criteria shall be reviewed by the board at least once every four years and shall address, but are not limited to, the elements of program design, identification, curriculum and instruction, social and emotional development, professional development, parent and community involvement, program assessment and budgeting. The application shall include budget information including separate data on identification and program costs, and any other data required by the Superintendent of Public Instruction to administer and evaluate the program effectively. Each time a school district submits an application for renewal of its GATE authorization, the school district shall submit a program assessment in accordance with criteria adopted by the state board.

(2) Each participating governing board shall maintain auditable records.

(3) Each applicant school district shall designate, in its application to the State Board of Education, a person with responsibility for the development, identification procedure, and implementation of the local program for gifted and talented pupils, fiscal management, and the collection of auditable records for the independent evaluation.

(4) Applications for district programs shall be developed by the State Department of Education and made available to districts no later than April 1 of each year. The application shall not be part of the consolidated application.

(b) Notwithstanding subdivision (a), the state may approve an application for a period of five years, if following a site validation of the application by the department, it determines that the districts's program for gifted and talented pupils is exemplary.

