

Chapter 89. Adaptations for Special Populations

Subchapter A. Gifted/Talented Education

§89.1. Student Identification.

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include 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 the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide 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) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement; and
- (6) not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

Statutory Authority: The provisions of this §89.1 issued under Texas Education Code, §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by House Bill 1525, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 2024, 49 TexReg 6454.

§89.2. Professional Learning.

School districts shall ensure that:

- (1) prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented students have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented students;
- (2) teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and
- (3) administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

Statutory Authority: The provisions of this §89.2 issued under Texas Education Code, §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by House Bill 1525, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776; amended to be effective September 1, 2024, 49 TexReg 6454.

§89.3. Student Services.

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must 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; and
- (4) opportunities to accelerate in areas of strength.

Statutory Authority: The provisions of this §89.3 issued under Texas Education Code, §§29.122 and §42.156(b).

Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.

§89.4. Fiscal Responsibility.

School districts shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students, as required by Texas Education Code, §29.022(b). The policy must:

- (1) ensure that 100% of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and
- (2) establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

Statutory Authority: The provisions of this §89.4 issued under Texas Education Code, §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by House Bill 1525, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §89.4 adopted to be effective September 1, 2024, 49 TexReg 6454.

§89.5. Program Accountability.

A school district shall ensure that:

- (1) student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);
- (2) it annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with §89.4 of this title (relating to Fiscal Responsibility); and
- (3) the board of trustees annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

Statutory Authority: The provisions of this §89.5 issued under Texas Education Code, §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by House Bill 1525, 87th Texas Legislature, Regular Session, 2021.

Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 2024, 49 TexReg 6454.