

# United States Senate

WASHINGTON, DC 20510

April 5, 2016

The Honorable John B. King, Jr.  
Secretary  
Department of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary King:

As you continue to move forward with the implementation of the Every Student Succeeds Act (ESSA), we write to highlight important provisions included in this critical piece of legislation.

As you know, the original intent of the Elementary and Secondary Education Act was to help schools better serve the “special educational needs of educationally deprived children.” This means that we need to support every child in achieving their maximum potential. This must include high-ability children, many of whom lack access to services to help them achieve their potential.

Our nation’s gifted and talented children, including those with high potential but who are not yet high achievers, must be held to high standards, challenged, and engaged. Unfortunately, there is an uneven patchwork of programs and services available across the country to meet their needs. A recent national survey of states identified a number of challenges that must be addressed: lack of teacher training, lack of data on these students and accountability for the achievement of all children.

We are pleased that ESSA included provisions from a bipartisan bill we introduced last year – the TALENT Act (S. 363). These provisions, found in both Title I and II, provide for the inclusion of high-ability students in state teacher preparation plans and state accountability systems.

More specifically, we worked to ensure that Title I included provisions specifically allowing school districts to use their Title I funds to identify and served gifted and talented students. Sadly, there is a lingering perception that gifted children do not come from diverse or disadvantaged backgrounds. We know this to not be true and believe that the Department of Education has a responsibility to be proactive in changing this misconception. We understand that the Department has previously directed states and school districts not to use their Title I funds to support gifted and talented students, and we urge you to take steps immediately to correct this message.

We are also pleased that ESSA now requires the reporting of disaggregated data at each level of academic achievement. The new data will not only shed light on which students are achieving at the advanced level, but also will provide assurance that the public is properly informed about how high-ability learners are progressing in their studies.

In Title II, we are pleased that ESSA requires states to include the needs of gifted and talented students in their state plans. The new provisions also provide for districts to use their funds to improve teachers' ability to identify gifted and talented students specific learning needs, and tailor instruction accordingly. These new provisions will help ensure that gifted and talented students do not languish in the general education classroom.

In addition to the provisions found in Title I and II, ESSA reauthorizes the Jacob K. Javits Gifted and Talented Students Education program. As you know, the Javits program is the only federal program dedicated specifically to gifted and talented students. Although relatively small, it positively impacts the education of gifted and talented students in every state through dissemination of the curriculum, student assessments, and classroom strategies developed through the series of applied research grants made under the program. We understand that the National Center for Research on Gifted and Talented Education is developing recommendations for best practices with underrepresented populations through an examination of district practices in three states. We look forward to learning about the results of this research, which could lead to the development of effective strategies that support both students and teachers.

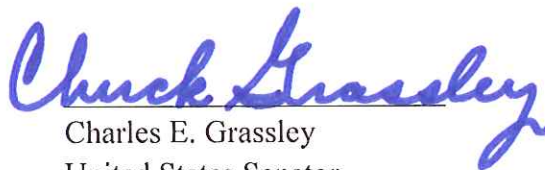
Given these changes, we are eager to learn how, and on what timeline, the Department will inform relevant stakeholders – including chief state school officers, school districts and local Title I and II coordinators – about these new provisions. Additionally, we are interested in knowing how the Department will guarantee state compliance with these new requirements.

If the United States is to remain competitive globally and on the cutting edge of innovation, we must challenge our best and brightest in order to help them reach their full potential. We look forward to your response.

Sincerely,



Barbara A. Mikulski  
United States Senator



Charles E. Grassley  
United States Senator