



## **Requirements of the Gifted Education Program in Georgia**

As the number of charter schools in Georgia continues to increase and as many Georgia school districts weigh the possibility of pursuing Investing in Education Excellence (IE2) or Charter District contracts with the State Board of Education, a critical point to consider is how schools and/or school districts operating under flexibility contracts will meet the needs of gifted learners. Under either type of flexibility contract, schools and districts may waive the provision in state law that requires them to identify and serve gifted learners. If they do so, the school and/or school district will not earn any funding at the gifted Fulltime Equivalent (FTE).

Gifted education funding is provided solely for the purpose of supporting service to gifted students. School districts may only earn FTE at the Gifted weight if they choose to identify Gifted learners using the multiple-criteria (mental ability, achievement, creativity, and motivation) required in SBOE 160-4-2-.38. It is not possible for any school or district to waive any aspect of the criteria for determining eligibility for gifted services.

In delivering services to gifted learners, charter schools and districts and IE2 districts may ask to waive the requirement to adhere to the specific delivery models defined in SBOE 160-4-2-.38. However, they must maintain documentation that they are providing a rigorous curriculum that enriches, extends, and accelerates learning in the gifted students' areas of strength for the number of segments claimed for FTE.

Federal civil rights requirements cannot be waived as part of a charter school, charter system or IE2 contract with the State Board of Education. Charter schools and districts and IE2 districts that choose to provide gifted education services should therefore be cognizant of their obligation under federal law to provide equitable access to that service.

If your district has any questions or concerns regarding federal regulations pertaining to Gifted education, please contact gifted education staff at the Georgia Department of Education at 404-657-0182 or via email at [aeger@doe.k12.ga.us](mailto:aeger@doe.k12.ga.us).

**Checklist of Requirements for  
Charter Schools and Districts and IE2 Districts that Choose to  
Identify and Serve Gifted Learners**

- The district and/or school takes steps to identify students who are eligible for gifted education services, following the eligibility requirements defined in SBOE 160-4-2-.38 (see Appendix A, below).
  
- The district and/or school provides gifted education programs to eligible gifted students.
  - The district and/or school ensures that each school's program
    - (1) Is based upon accepted research and educational theory or principles;
    - (2) Is reasonably calculated to implement the educational theory effectively; and,
    - (3) After a period of time sufficient to give the innovative program a chance to become established, produces quantifiable results showing that gifted learners are excelling in their area(s) of strength.
  
- The district and/or school provides resources to implement its gifted education program effectively (e.g., gifted education programs are led by gifted endorsed teachers who use research-based resources). Examples of innovative research-based resources include:
  - 1) whole-grade and/or subject acceleration,
  - 2) self-contained gifted education classes,
  - 3) specialized classes for highly gifted students, and
  - (4) the Renzulli School-wide Enrichment Model.
  
- The district and schools should ensure that meaningful and equitable communication with parents and guardians of gifted students takes place by providing such parents and guardians with important notices or documents in written form.

- Districts and schools equitably include English Language Learners, Students with Disabilities, economically disadvantaged, and minority students in the gifted and talented program.

For detailed guidance and research-based suggestions on implementing gifted education programs, please view Georgia's "Gifted Education Resources Guide" in the blue Publications port let at: [http://www.gadoe.org/ci\\_iap\\_gifted.aspx](http://www.gadoe.org/ci_iap_gifted.aspx).

## Appendix A

Code: IDDD(2)

### 160-4-2-.38 EDUCATION PROGRAM FOR GIFTED STUDENTS.

#### (1) DEFINITIONS.

(a) **Gifted Student** - a student who demonstrates a high degree of intellectual and/or creative ability(ies), exhibits an exceptionally high degree of motivation, and/or excels in specific academic fields, and who needs special instruction and/or special ancillary services to achieve at levels commensurate with his or her abilities.

(b) **Differentiated Curriculum** - courses of study in which the content, teaching strategies and expectations of student mastery have been adjusted to be appropriate for gifted students.

(c) **Qualified Evaluators** - individuals with expertise in relevant fields. Anyone who evaluates student products/performances for the purpose of determining gifted program eligibility must have demonstrated expertise and experience in the specific content area.

Local school systems are responsible for training evaluators of student products/performances in the application of adopted observation/evaluation instruments in a culturally sensitive manner. A list of qualified evaluators, the evaluation guidelines, and documentation of training procedures will be maintained by the local board of education.

#### (2) REQUIREMENTS.

(a) **Notice.** The local board of education shall notify parents or guardians in writing of the following:

1. The gifted education program operated by the local school system, referral procedures and eligibility requirements.

2. Initial consideration of a student for gifted education services.

3. The student's eligibility status after an evaluation, at which time the parents or guardians shall be afforded an opportunity for a conference to discuss student eligibility criteria and placement.

4. The type of service to be provided annually, the teaching methods to be used and the time allotted for the student to receive gifted services. Parents or guardians shall also be informed of the objectives designed for students to meet and the manner in which evaluation of the mastery of these objectives will be conducted.

5. The performance standards the student shall meet for the continuation of gifted services (See page 6, Section 3, *Continued Participation*).

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6. The length of the probationary period in which the student is in jeopardy of losing gifted services. The notice shall specify the criteria the student shall meet to continue receiving gifted education services.

7. The termination of gifted education services in the event that the student fails to meet the continuation criteria. The notice shall contain a statement that the student shall become eligible to receive gifted education services upon meeting the criteria adopted by the local board of education regarding the continuation of services.

(b) **Referral.**

1. **Reported Referral.** A student may be referred for consideration for gifted educational services by teachers, counselors, administrators, parents or guardians, peers, self and other individuals with knowledge of the student's abilities.

2. **Automatic Referral.** Students who score at specified levels on a norm-referenced test as described below shall be considered automatically, as defined in Appendix A of the Georgia Department of Education *Resource Manual for Gifted Education Services*, for further assessment to determine eligibility for gifted program services.

(i) Local boards of education shall establish the criterion score needed on these norm-referenced tests for automatic consideration for further assessment.

(ii) Local boards of education shall ensure that any tests or procedures used in the referral process and to determine eligibility for gifted education services meet standards of validity and reliability for the purpose of identifying gifted students, and shall be nondiscriminatory with respect to race, religion, national origin, sex, disabilities or economic background.

(c) **Consent.** Local school systems shall obtain written consent for testing from parents or guardians of students who are being considered for gifted education services.

Written consent from parents or guardians is also necessary before students determined to be eligible for gifted education services can receive these services.

(d) **Eligibility.** The local board of education shall not adopt eligibility criteria that are inconsistent with this rule.

(e) **State Reporting Requirements.** The local board of education shall submit to the Georgia Department of Education a copy of its administrative procedures for the operation of a program for gifted students in grades K-12. The local system shall review and revise (if revisions are needed) its local administrative procedures at least annually.

An updated copy of the local administrative procedures shall be submitted to the Department of Education whenever changes are made.

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### 1. **Initial Eligibility.**

(i) To be eligible for gifted education services, a student must either (a) score at the 99<sup>th</sup> percentile (for grades K-2) or the 96<sup>th</sup> percentile (for grades 3-12) on the composite or full scale score of a standardized test of mental ability and meet one of the achievement criteria described below, or (b) qualify through a multiple-criteria assessment process by meeting the criteria in any three of the following four areas: mental ability (intelligence), achievement, creativity and motivation.

(ii) To be eligible for gifted education services, a student must meet the criterion score on a nationally normed test and either have observational data collected on his or her performance or produce a superior

product as described below. Information shall be collected in each of the four data categories for all students who are referred for gifted program evaluation. Any data used in one area to establish a student's eligibility shall not be used in any other data category.

(iii) Any test score used to establish eligibility shall be current within two-calendar years.

(I) **Mental Ability.** Students shall score  $\geq$  the 96<sup>th</sup> percentile on a composite or full scale score or appropriate component score, as defined in Appendix A of the Georgia Department of Education *Resource Manual for Gifted Education Services*, on a standardized test of mental ability.

I. Mental ability tests shall be the most current editions of published tests that measure intelligence or cognitive ability, have been reviewed for bias and normed on a nationally representative sample that included minority representation within a 10-year period (group tests) prior to administration. These tests shall yield percentile rankings by age(s).

II. Mental ability tests that were designed to be administered individually must be administered by a qualified psychological examiner. (See Rule 160-4-7-.07 Evaluations and Eligibility Determinations.)

(II) **Achievement.** Students shall (a) score  $\geq$  the 90<sup>th</sup> percentile on the total battery, total math or total reading section(s) of a standardized achievement test; or (b) have produced a superior student-generated product or performance, where the superior performance is one that can be translated into a numerical score  $\geq 90$  on a scale of 1-100 as evaluated by a panel of three or more qualified evaluators.

I. Standardized achievement tests shall be the most current editions of tests that measure reading skills, including comprehension, and shall give a total reading score and/or a total mathematics score based upon a combination of scores in math concepts and applications. These tests shall have been reviewed for bias and normed on a

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nationally representative sample that included minority representation within a 10-year period prior to administration. These tests shall yield percentile rankings by age(s) or grade(s).

II. Performances and products shall be judged by a panel of three or more qualified evaluators and must have been produced within the two years prior to evaluation.

(III) **Creativity.** Students shall (a) score  $\geq$  the 90<sup>th</sup> percentile on the total battery score of a standardized test of creative thinking, or (b) receive a score  $\geq$  the 90<sup>th</sup> percentile on a standardized creativity characteristics rating scale, or (c) receive from a panel of three or more qualified evaluators a score  $\geq$  90 on a scale of 1-100 on a structured observation/evaluation of creative products and/or performances.

I. Standardized tests of creative thinking shall be the most current editions of tests that provide scores of fluency, originality, and elaboration. Minimum requirements also include: (a) outside empirical support for the test; (b) long-term follow-up studies; and (c) comparison measures against other recognized measures of creativity. These tests shall have been reviewed for bias and normed on a nationally representative sample that included minority representation. These tests shall yield percentile rankings by age(s) or grade(s).

II. Rating scales used to evaluate creativity shall relate to the construct of creativity and differentiate levels such that judgments equivalent to the 90<sup>th</sup> percentile are possible.

III. As evidence of creativity, students or individuals on behalf of students may submit products or evidence of outstanding performances completed during the two calendar years prior to evaluation. The products/performances submitted shall be reviewed by a panel of three or more qualified evaluators as part of a comprehensive portfolio of creative productivity.

(IV) **Motivation.** Students shall (a) receive a score  $\geq$  the 90<sup>th</sup> percentile on a standardized motivational characteristics rating scale, or (b) receive from a panel of three or more qualified evaluators a score  $\geq$  90 on a scale of 1-100 on a structured observation/evaluation of student-generated products and/or performances, or (c) have a grade point average (GPA) of at least 3.5 on a 4.0 scale (as defined in Appendix A of the Georgia Department of Education *Resource Manual for Gifted Education Services*), where a 4.0 = A and 3.0 = B, using an average of grades from the regular school program over the previous two school years if the student is in grades 3-12.

I. Rating scales used to evaluate student motivation shall relate to the construct of motivation and differentiate levels such that judgments equivalent to the 90<sup>th</sup> percentile are possible.

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II. As evidence of motivation, students or individuals on behalf of students may submit products or evidence of outstanding performances made during the two calendar years prior to evaluation. The products/performances submitted shall be reviewed by a panel of three or more qualified evaluators as part of a comprehensive portfolio that demonstrates a high degree of motivation and consistent productivity.

III. GPAs of students are determined by calculating the grades earned during the two years prior to evaluation in the subjects of mathematics, science, language arts, social studies and foreign language, if such language study is included in the student's records.

2. Assessment data that were gathered and analyzed by a source outside the student's school or school system must be considered as part of the nomination and evaluation process. However, these outside data shall not be substituted for data the school generates during the testing/evaluation process and may never be the sole source of assessment data. Systems shall never rely on them exclusively for determination of eligibility for gifted program services. Instead, outside test data may be used as part of a comprehensive profile of test and non-test evidence of advanced instructional needs. If any system elects to use outside test data to help establish students' eligibility, the local board of education shall collect and maintain statistical data that will allow the Department of Education to evaluate the impact of this practice on the identification of gifted students from all ethnic and socioeconomic groups.

3. **Continued Participation.** Local boards of education shall review the progress of each student receiving gifted education services each year. Any student who receives gifted education services shall continue to receive services, provided the student demonstrates satisfactory performance in regular and gifted education classes, as described in the local board's Continuation Policy.

(i) Local boards of education shall provide to any student who fails to maintain satisfactory performance in regular and gifted education classes a probationary period in which the student shall continue to receive gifted education services while attempting to achieve satisfactory performance status. The length of this probationary period shall be determined by the local board of education.

(ii) Students who fail to demonstrate satisfactory performance in both regular and gifted education classes during the probationary period and for whom gifted services are no longer appropriate shall have a final review before cessation of services occurs. A student may resume receiving gifted education services upon meeting the criteria adopted by the local board of education for the continuation of gifted services.

4. **Reciprocity.** Any student who meets the state eligibility criteria for gifted education services shall be considered eligible to receive gifted education services in any school system within the state. However, a student transferring from one school system to another within the state shall meet the criteria for continuation of gifted services

established by the local board of education of the receiving school system. There is no mandated reciprocity between states.

**(e) Curriculum and Services to Be Provided.**

1. Local boards of education shall develop curricula for gifted students that incorporate the State Board of Education-approved student competencies and Quality Core Curriculum. Curriculum objectives shall focus on developing cognitive, learning, research and reference, and metacognitive skills at each grade grouping, using principles of differentiation, in one or more of the following content areas: mathematics, science, language arts, social studies, foreign language, fine arts and vocational/technical education. Local boards of education shall submit to the Georgia Department of Education a description of the differentiated curricula used for instruction of gifted students. The local system shall review and revise (if revisions are needed) its curricula for gifted students at least annually. An updated copy of the local program description shall be submitted to the Department of Education whenever changes are made.

2. Students identified as gifted and whose participation has received parental consent shall receive at least five segments per week (or the yearly equivalent) of gifted education services, using one of the approved models described in Appendix A of the Georgia Department of Education *Resource Manual for Gifted Education Services*.

**(f) Data Collection.**

1. Local boards of education shall collect and maintain statistical data on the number of students referred for evaluation of eligibility for gifted education services, the number of students determined eligible for services, and the number of students actually served during the school year. These data shall be kept by grade level, gender, and ethnic group of the students.

2. The Georgia Department of Education shall evaluate gifted program effectiveness every three years. To the maximum extent possible, this evaluation shall include the following program components: (a) the Student Search, Nomination, and Referral Process; (b) Student Assessment; (c) Program Design; (d) Curriculum and Instruction; (e) Professional Development; and (f) Family-Community Involvement.

3. Rule 160-4-2-.08 GIFTED EDUCATION shall expire and this rule shall become effective on August 1, 1998.

Authority O.C.G.A. § 20-2-151; 20-2-152; 20-2-161.

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