

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

(1) DEFINITIONS.

(a) **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.

(b) **Georgia Department of Education** – (GaDOE) the agency charged with the fiscal and administrative management of certain aspects of K-12 public education including the implementation of federal and state mandates.

(c) **Gifted Student** - a student who meets the eligibility criteria as identified in this rule and as defined in the *GaDOE Resource Manual for Gifted Education Services*.

(d) **Local Board of Education (LBOE)** – agency charged with adopting policies to govern educational entities within the local educational agency.

(e) **Local Educational Agency (LEA)** – local school system pursuant to LBOE control and management.

(f) **Panel of Qualified Evaluators** - experts in relevant fields appointed by the LEA who evaluate student products/performances to determine gifted program eligibility.

(g) **Qualified Psychological Examiner** - a psychologist licensed by a state licensing board in the United States and having training and experience in school psychology or child psychology.

(h) **State Board of Education (SBOE)** – the constitutional authority which defines education policy for public K-12 education agencies in Georgia.

(2) REQUIREMENTS.

(a) **Notification.** The LEA shall notify parents and guardians of identified gifted students being considered to receive gifted education services in writing of information related to the gifted education program including, but not limited to the following:

1. Referral procedures and eligibility requirements adopted and applied by the LEA.
2. Notification of initial consideration for gifted education services.
3. Evaluation guidelines and documentation of training procedures utilized and maintained by the LEA.

4. The type(s) of gifted services to be provided, academic standards to be met, the teaching methods employed, and the manner in which students will be evaluated annually.

5. Performance standards gifted students are to meet to maintain their eligibility and receive continued services in the program.

6. A description of the probationary period applied to students in jeopardy of losing their eligibility for services. The description shall include the length of the probationary period and the criteria.

7. Termination of services when students on probation have failed to meet criteria for continuation of services.

(b) **Referrals.** The consideration for gifted education services may be reported or automatic as defined in the *GaDOE Resource Manual for Gifted Education Services*.

1. **Reported Referral.** A student may be referred for consideration for gifted education 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 defined in the *GaDOE Resource Manual for Gifted Education Services*, for further assessment to determine eligibility for gifted program services.

(i) The LBOE shall establish the criterion score needed on norm-referenced tests for automatic consideration for further eligibility assessment.

(ii) The LBOE shall ensure that 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 non-discriminatory with respect to race, religion, national origin, sex, disabilities, and economic background.

(c) **Consent.** The LEA shall obtain written consent for testing from parents or guardians of students who are being considered for referral for gifted education services. The LEA shall obtain written consent from parents or guardians before providing gifted education services to students determined to be eligible for services.

(d) **Eligibility.** The LBOE shall adopt eligibility criteria that are consistent with this rule and as defined in the *GaDOE Resource Manual for Gifted Education Services*.

1. To be eligible for gifted education services, a student must either (a) score at the 99th percentile (for grades K-2) or the 96th percentile (for grades 3-12) on the composite or full scale score of a norm-referenced test of mental ability and meet one of the achievement criteria described in paragraph (2)(d) 5.(ii) Achievement, or (b) qualify

through a multiple-criteria assessment process by meeting the criteria in any three of the following four areas: mental ability, achievement, creativity, and motivation.

2. To be eligible for gifted education services, a student must meet the criterion score on a norm-referenced test and either has 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 areas: mental ability, achievement, creativity, and motivation.

3. Test scores used to establish eligibility shall have been administered within the past two calendar years.

4. Any data used in one area to establish a student's eligibility shall not be used in any other data category.

5. Data shall be used for eligibility in the four areas according to the following:

(i) **Mental Ability.** Students shall score at or above the 96th percentile on a composite or full-scale score or appropriate component score, as defined in the GaDOE *Resource Manual for Gifted Education Services*, on a norm-referenced test of mental ability.

(I) Mental ability tests shall be the most current editions, or editions approved by GaDOE, of published tests that measure intelligence or cognitive ability, which have been reviewed for bias and are normed on a nationally representative sample with respect to race, religion, national origin, sex, disabilities, and economic background within a 10-year period prior to administration.

(II) Mental ability tests that were designed to be administered individually shall be administered by a qualified psychological examiner.

(ii) **Achievement.** Students shall score at or above the 90th percentile on the total battery, total math or total reading section(s) of a norm-referenced achievement test or have produced a superior student-generated product or performance, where the superior performance is one that can be translated into a numerical score at or above 90 on a 100 point scale as evaluated by a panel of qualified evaluators.

(I) Norm-referenced achievement tests shall be the most current editions of tests, or editions approved by GaDOE, that measure reading skills, including comprehension, and shall yield a total reading score and/or a total mathematics score based upon a combination of scores in mathematics concepts and applications. These tests shall have been reviewed for bias and are normed on a nationally representative sample with respect to race, religion, national origin, sex, disabilities, and economic background within a 10-year period prior to administration.

(II) Performances and products shall be assessed by a panel of qualified evaluators and must have been produced within the two calendar years prior to evaluation.

(iii) **Creativity.** Students shall score at or above the 90th percentile on the total battery score of a norm-referenced test of creative thinking, receive a score at or above the 90th percentile on a standardized creativity characteristics rating scale, or receive from a panel of qualified evaluators a score at or above 90 on a 100 point scale on a structured observation/evaluation of creative products and/or performances.

(I) Norm-referenced tests of creative thinking shall be the most current editions of tests, or editions approved by GaDOE, that provide scores of fluency, originality, and elaboration. These tests shall have been reviewed for bias and are normed on a nationally representative sample with respect to race, religion, national origin, sex, disabilities, and economic background within a 10-year period prior to administration.

(II) Rating scales used to qualify creativity shall differentiate levels such that judgments may equate to the 90th percentile. If a rating scale is used to evaluate creativity, a rating scale shall not be used to evaluate motivation.

(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 or performances submitted shall be reviewed by a panel of qualified evaluators.

(iv) **Motivation.** Students shall receive a score at or above the 90th percentile on a standardized motivational characteristics rating scale, receive from a panel of qualified evaluators a score at or above 90 on a 100 point scale on a structured observation or evaluation of student-generated products and/or performances, or for grades 6-12 have a grade point average (GPA) of at least 3.5 on a 4.0 scale where a 4.0 = A and 3.0 = B, or a numeric grade point average (NGA) of 90 percent on a 100 point scale where 100 = A and a 89 = B. Grades used to determine the GPA or NGA must be a two-year average of regular school program core subject grades in mathematics, English/language arts, social studies, science, and full year world languages.

(I) Rating scales used to qualify student motivation shall differentiate levels such that judgments may equate to the 90th percentile. If a rating scale is used to evaluate motivation, a rating scale shall not be used to evaluate creativity.

(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 or performances submitted shall be reviewed by a panel of qualified evaluators.

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

6. Assessment data that were gathered and analyzed by a source outside the student's school or LEA shall be considered as part of the referral and evaluation process. External evaluation data shall not be substituted for or used as the sole source of data the school generates during the initial eligibility process. External evaluations shall have been reviewed for bias with respect to race, religion, national origin, sex, disabilities, and economic background.

(e) **Continued Participation.** The LBOE shall have a continuation policy for students identified as eligible for gifted services to continue to receive such services. The LEA 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 gifted education classes, as described in the LBOE continuation policy and stated in the continuation policy.

1. The LBOE continuation policy shall include a probationary period in which a student who fails to maintain satisfactory performance in gifted education classes 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 LBOE.

2. The LBOE continuation policy shall provide for a final review prior to discontinuing gifted education services for students who fail to demonstrate satisfactory performance in gifted education classes during the probationary period and criteria for resuming gifted education services for such students.

(f) **Reciprocity.** Any student who meets the initial eligibility criteria in this rule for gifted education services in one LEA shall be considered eligible to receive gifted education services in any LEA within the state. As described in the section on Reciprocity in the GaDOE *Resource Manual for Gifted Education Services*, a student transferring from one LEA to another within the state shall meet the criteria for continuation of gifted services established by the LBOE of the receiving school system. There is no mandated reciprocity between states unless the student is a dependent of military personnel as provided in O.C.G.A. § 20-2-2140 et. seq.

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

1. The LBOE shall develop curricula for gifted students that incorporate SBOE approved curriculum. LBOE curricula for gifted students 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, English/language arts, social studies, world languages, fine arts, and career, technical and agricultural education. LEAs shall make available to the public and the GaDOE a description of the differentiated curricula used for instruction of gifted students. The LEA shall review and revise, if revisions are needed, its curricula for gifted students at least annually.

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 the GaDOE *Resource Manual for Gifted Education Services*.

(h) Data Collection.

1. The LBOE 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 archived and maintained by subgroups, which shall include at least the grade level, gender, and ethnic group of the students.

2. The LEA shall evaluate its gifted program at least every three years using criteria established by GaDOE.

(i) Public Review. The LBOE shall make available for review by the public and the GaDOE a copy of its administrative procedures for the operation of its gifted education program and the LEA's gifted education curricula.

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

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