

290-8-9.12

290-8-9.12(4)(a)3.

290-8-9-.12 Gifted.

(1) Definition. Intellectually gifted children and youth are those who perform or who have demonstrated the potential to perform at high levels in academic or creative fields when compared with others of their age, experience, or environment. These children and youth require services not ordinarily provided by the regular school program. Children and youth possessing these abilities can be found in all populations, across all economic strata, and in all areas of human endeavor.

(2) Referral. Each LEA must develop and implement procedures to ensure that students who exhibit gifted characteristics are referred for gifted services.

(a) Public Notice. Parents, teachers, and students must be informed of referral procedures.

(b) Equity. Efforts must be made to identify students among all populations and socioeconomic groups as well as students with disabilities and students who are Limited English Proficient (LEP).

(c) Second Grade Child Find. All second grade students will be observed as potential gifted referrals using a gifted behavior checklist provided by the State Department of Education.

(d) Standard Referral. A student may be referred for consideration for gifted services by teachers, counselors, administrators, parents or guardians, peers, self, and other individuals with knowledge of the student's abilities. Standard referrals may occur at any time for students six years of age and older. Parents must be informed when students are referred.

(e) Gifted Referrals Screening Team (GRST). Each LEA must establish a team(s) to review referrals to determine if further assessment is indicated. Each team should consist of at least three individuals including someone knowledgeable about the student and someone knowledgeable about gifted education.

(3) Consent.

(a) Parental Consent for Evaluation. The LEA must obtain written parental consent prior to administering individual assessments.

(b) Parental Consent for Placement. An identified gifted student may be placed in a program for the gifted upon written approval of the parents. Participation in this program is not mandatory should the parent and/or the student choose not to participate.

(c) Rights in Gifted Education. A copy of the rights pertaining to gifted education services must be given to the parents with the consent for screening and/or evaluation.

(4) Evaluation. Each LEA must develop and implement procedures to evaluate students referred for gifted services.

(a) Information must be obtained in the following areas:

1. Aptitude. Aptitude should be assessed through an individual or group test of intelligence or creativity. Vision and hearing screening must be completed prior to completing individually administered aptitude assessments (not screeners).

2. Performance. At least three examples of student performance that indicate the student is performing at high levels in academic or creative fields when compared to others of his or her age, experience, or environment must be included.

3. Characteristics. A behavior rating scale designed to assess gifted behaviors should be used.

290-8-9.12(4)(a)4.

290-8-9.12(6)(a)

4. Aptitude Test Selection. Information must be gathered to determine if there are any environmental, cultural, economic, language differences, or a disabling condition that might mask a student's true abilities and thereby affect student performance in the areas evaluated.

(b) Tests and evaluative materials selected and administered should be sensitive to cultural, economic, and linguistic differences and be administered by qualified personnel under the supervision of an LEA.

(c) For special populations such children with LEP, or sensory or physical impairments, assessments used must be appropriate for their special needs.

(d) For students who exhibit creative thinking abilities the *Torrance Test of Creative Thinking* (or other creativity assessment with prior approval) must be administered unless the student has been determined eligible with a verbal or nonverbal assessment.

(5) Eligibility Determination. Each LEA must establish an Eligibility Determination Team(s) (EDT) to implement procedures to determine eligibility of students for gifted services. Each team should consist of at least three individuals including someone knowledgeable about the student being assessed, someone knowledgeable about gifted students in general, and someone able to interpret the assessment information gathered.

(a) Timeline. Eligibility must be determined within 90 days of receiving parental consent for standard referrals. Referrals generated from the second grade Child Find activity should be completed by the beginning of the student's third grade year.

(b) Notice. The LEAs must provide written notice to parents regarding the eligibility decision.

(c) Eligibility Criteria. Two methods of eligibility determination are available. The student may not be determined ineligible without having the matrix applied.

1. Automatic Eligibility. A student may be determined automatically eligible for gifted services when the obtained full scale/composite IQ score on an individually administered test of intelligence (NOT a screener) is two standard deviations above the mean or higher; or either the Verbal Average Standard score or Figural Creativity Index of the *Torrance Tests of Creative Thinking* is at or above the 97th national percentile.

2. Matrix of Multiple Criteria. The matrix of multiple criteria developed by the State Department of Education, requires information in the areas described above in (4)(a)1-4 of this section.

(i) Use of other matrices must be approved by the State Department of Education.

(ii) Students with environmental, cultural, economic, or language differences may not be determined ineligible until both verbal and nonverbal abilities have been assessed.

(6) Placement and Service Delivery Options. LEAs must utilize a variety of service delivery options that may include but are not limited to resource room pull-out, consultation, mentorships, advanced classes, and independent study. Gifted students' need for complexity and accelerated pacing must be accommodated for in the general education program. Accommodations may include strategies such as flexible skills grouping, cluster grouping with differentiation, curriculum compacting, subject and grade acceleration, dual enrollment, and advanced classes. Each LEA must establish and implement a procedure for considering any requests for subject or grade acceleration. The procedures must be approved by the State Department of Education and will be included in the LEA Plan for Gifted.

(a) Modes of service delivery may vary by grade and/or grade level cluster but must be consistent from school to school. In addition, services must be comparable in quality and

290-8-9.12(6)(a)

290-8-9.12(7)(e)6.(i)

duration from school to school within an LEA.

(b) Modes of service delivery to each grade level or grade level cluster or the intent to utilize general education staff to teach advanced classes must be approved by the State Department of Education in the *LEA Plan for Gifted*. In the event that general education staff are utilized, they must be knowledgeable of gifted learners, trained in differentiation, and demonstrate a willingness to address the needs of diverse learners. Exceptions to the modes of service delivery for any grade or grade level cluster require prior state approval.

(c) The recommended modes for services are as follows:

1. Grades K-2—regular classroom accommodations with consultation from a gifted specialist as needed. The general education teacher should be knowledgeable of gifted learners, trained in differentiation, and demonstrate a willingness to address the needs of diverse learners.
2. Grades 3-5/6—resource room pull-out for 3-5 hours a week,
3. Grades 6/7-8—pull-out services including electives and enrichment clusters, and/or, advanced classes in the core content areas.
4. Grades 9-12—advanced classes (including Advanced Placement and International Baccalaureate), electives, dual enrollment (where available), career/college counseling, mentorships, seminars, and independent studies.

(7) Gifted Education Plan (GEP). Each gifted student receiving pull-out services, must have a written plan that describes the services to be provided. GEPs are not required for students receiving services other than pull-out unless there is a specific need. If GEPs are not written for students receiving services in the general education classroom a plan for monitoring the services must be included in the *LEA Plan for Gifted*.

(a) GEP meetings may be held on an individual basis, group basis, or both.

(b) GEP Meeting Notice. School officials must provide prior notice to parents regarding the date, time, and location of the GEP meeting.

(c) Services may begin upon receipt of the parent's written consent. For the student who has been initially identified as gifted, the GEP must be developed and signed within 30 days.

(d) GEP Meeting Participants. Two signatures are required on the GEP. The participants may include the gifted specialist, the parents, the student (when appropriate), and other persons at the discretion of the parents or LEA (i.e. the general education teacher or staff member). When parents cannot attend the GEP meeting, the meeting can be conducted with the gifted specialist (or other staff member responsible for the student's program) and the student (when appropriate).

(e) GEP Content. A GEP for gifted students must contain the following information:

1. Name of Student,
2. Implementation To and From Dates/Grades,
3. Transportation, if appropriate,
4. Placement and Service Delivery Options (i.e., the location of services to be provided),
5. Curricular Options and/or Program Description (i.e., an explanation of the services to be provided),
6. Accommodations in the general education classroom must be provided for the times that gifted students are in pull-out classes. The accommodations form must be completed if the following accommodations are not made:
 - (i) Student will not be required to make up missed class work,

290-8-9.12(7)(e)(6.)(ii)

290-8-9.12(9)

(ii) If new material is introduced, student will be instructed by peer or teacher in a small group or one-on-one setting,

(iii) If tests are administered, student will take the test when he or she returns to the classroom or at a mutually agreed upon time, and

7. Dated signatures of each GEP Committee member.

(f) GEP Review. GEPs may be reviewed annually but must be reviewed every three years or sooner if the mode of service delivery changes. If the mode of service delivery remains the same during a three-year period (e.g., resource room pull-out services during Grades 3-5) then only one GEP meeting is required. If the parents or the gifted specialist have reason to believe that the GEP needs revision during this time, either party may request a GEP meeting to consider revisions. When a GEP Committee meeting has been requested, the LEA must conduct the meeting within 30 calendar days.

(g) A copy of the GEP must be provided to parents upon request.

(h) Only the GEP Committee can make the determination to interrupt services due to behavioral or academic issues.

(8) Administration.

(a) Age Range for Services. An LEA must serve gifted students beginning with those six years of age. Refer to Ala. Code Title 16, Chapter 39§3. An identified gifted student is no longer eligible for services when the student earns an Alabama High School Diploma.

(b) Transportation. Gifted students must not be excluded from services because of inadequate transportation services.

(c) Student Enrollment. Students must be enrolled in the public school in order to be referred, evaluated, and/or to receive gifted services.

(d) Child Count. Gifted students must be included in the LEA's Child Count when all of the following criteria are met:

1. Student is identified by state approved standards, and
2. Services can be documented as of the State capture date for Child Count.

(e) LEA Plan for Gifted Services. LEAs must develop and implement, according to state guidelines, a written plan for serving gifted students. The plan will include:

1. Philosophy,
2. Child Find activities,
3. Screening/eligibility criteria,
4. Service delivery options for each grade level or grade level cluster,
5. Subject and grade acceleration procedures,
6. Teaching assignments and other responsibilities of gifted specialists,
7. Professional development for gifted specialists and general educators,
8. Other information as required by the State Department of Education.

(f) Transfer Students. When gifted students transfer from one school to another within the State of Alabama the receiving LEA must honor the sending LEA's decision if eligibility was determined by State standards. Students transferring from out of state must meet Alabama eligibility criteria.

(g) Responsible Staff Person. Each LEA must designate a person to have the responsibility for the development, supervision, and implementation of gifted services.

(9) Caseload. The following numbers are considered to be appropriate when determining caseloads for gifted specialists:

290-8-9.12(9)(a)

290-8-9.12(10)

- (a) Elementary - 45 total, no more than 15 at one time.
- (b) Middle School – 75 total, no more than 15 at one time.
- (c) Elementary-Middle combination – 45 total, no more than 15 at one time.
- (d) High School – 75 total, no more than 20 at one time.

(10) Procedural Safeguards. Each LEA must establish a grievance procedure, consistent with local policy, through which parents and students may resolve concerns regarding identification, evaluation, eligibility, or services for gifted students. When attempts to resolve the issue at the local level fail, parents may utilize the Complaint Procedures, or Mediation Procedures developed by the State Department of Education as an appropriate administrative remedy for matters pertaining to violations of state law or regulation regarding the identification, evaluation, eligibility, or services for gifted students.

To obtain a copy of these procedures, call Special Education Services at (334) 242-8114, or write to Special Education Services, Post Office Box 302101, Montgomery, Alabama 36130-2101.

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Statutory Authority: Ala. Code Title 16, Chapter 39.

History: Amended 8-12-80, repealed 4-10-86, new 4-10-86 effective 5-30-86; 8-8-91 adopted 290-8-9-.14-.57ER effective 8-8-91; 10-10-91 adopted ER as regular rule effective 11-19-91; repealed 6-10-93, new 6-10-93 effective 8-1-93; repealed 7-13-99 adopted 290-8-9-.14-.70 ER effective 1-1-2000; adopted ER as regular rule effective 1-1-2000; adopted as ER effective 7-1-05; adopted as regular rule effective 9-15-05; repealed and adopted new 6-14-07, effective 7-19-07. . Amended: filed August 4, 2008; effective September 8, 2008. **Amended:** adopted April 9, 2009, effective May 14, 2009.

Pages 577 to 585 RESERVED.