



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: September 25, 2018
SUBJECT: Defining Gifted and Talented Student Group

COMAR 13A.04.07
Gifted and Talented Education
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to provide an update on the identification of gifted and talented students as an accountability and reporting student group in Maryland’s Every Student Succeeds Act (ESSA) Consolidated State Plan. An additional purpose is to request permission to publish amended language to COMAR 13A.04.07 *Gifted and Talented Education*.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The following language was included in Maryland’s consolidated ESSA plan: “The State intends to take steps to add ‘gifted and talented students’ as an additional student group by the end of the school year 2017-18.” The proposal to define gifted and talented students based upon the Code of Maryland Regulation was presented to the State board on June 20, 2018:

Gifted and talented students are those identified by local school systems according to COMAR 13A.04.07.02 (Identification of Gifted and Talented Students) and receiving services according to COMAR 13A.0.07.03 (Programs and Services).

While identification is required by COMAR 13A.04.07, Maryland local school systems use a wide variety of processes and assessments for identification. To address this lack of consistency, the Gifted and Talented Advisory Council and Gifted and Talented Supervisors have revised *The Criteria for Excellence: Gifted and Talented Education Guidelines* with specific identification guidelines, programs, and best practices. Strategic planning sessions with national experts at the Maryland Gifted and Talented Equity Symposium in June focused on building consensus around the topics of universal screening, grade bands for identification, and multiple methods of identification.

EXECUTIVE SUMMARY:

Based upon discussion at the June 20, 2018 State Board meeting and input from local school system leaders at the Maryland Gifted and Talented Equity Symposium, the revised amendments to COMAR 13A.04.07 were developed. The revised amendments strengthen the regulation and include mandates and accountability with the goal of more equitable and consistent identification, programs, and services for gifted and talented students in the State.

ACTION:

Request permission to publish amendments to COMAR 13A.04.07 *Gifted and Talented Education*.

Attachments:

Maryland Gifted and Talented Equity Symposium (June 11, 2018) - Summary of Strategic Planning Break-Out Session Discussion

Criteria for Excellence: Gifted and Talented Education Program Guidelines

Code of Maryland Regulations

Title 13A

STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 13A.04.07 Gifted and Talented Education

Authority: Education Article, § 5-401, and § 8-201 – 204, Annotated Code of Maryland

COMAR 13A.04.07.01

.01 Purpose

Gifted and talented students are found in all Maryland schools and in all cultural, ethnic, and economic groups. The intent of this chapter is to provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services needed to develop these students' full potential. These regulations establish the minimum standards for student identification, programs and services, professional **[development]** *learning*, and reporting requirements.

.02 Identification of Gifted and Talented Students

- A. Each local school system shall establish an *equitable* process for identifying gifted and talented students as they are defined in the Educational Article §8-201;
- B. The identification pool for gifted and talented students shall encompass all students;
- C. The identification process shall use *universal screening and* multiple indicators of potential, aptitude, and achievement *from a Maryland State Department of Education approved list of assessments and checklists*;
- D. The identification process shall be used to identify students *no later than the end of Grade 3* for participation in the programs and services described in § .03 of this regulation; and
- [E. Each school system shall review the effectiveness of its identification process.]**
- F. Each school system shall **[consider implementing an identification process that]**:
 - (1) Document[s] early evidence of advanced learning behaviors, PreK-2;
 - (2) **[Includes procedures]** *Develop equitable policies* for identification and a process for appeals that are clearly stated in writing, made public, and consistently implemented systemwide; **[and,]**
 - (3) *Review the effectiveness of its identification process; and,*
 - (4) Provide[s] ongoing professional **[development]** *learning for teachers, administrators, and other personnel [school staff]* in the *identification procedures*, characteristics, *academic and social-emotional* needs of gifted and talented students.

.03 Programs and Services

- A. Each school system shall provide different services beyond those normally provided by the regular school program in order to develop the gifted and talented student's potential. Appropriately differentiated, *evidenced-based* programs and services shall accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning.
- B. Each school system shall review the effectiveness of its programs and services.
- C. Each school system shall **[consider implementing]** *implement* programs and services for gifted and talented students that:
 - (1) Provide a continuum of appropriately differentiated *curriculum, and evidence-based* academic programs and services in grades PreK-12 during the regular school day for identified gifted and talented students.
 - (2) Provide programs and services to support the social and emotional growth of gifted and talented students.
 - (3) Provide programs and services to inform and involve parents/guardians of gifted and talented students.

.04 Professional [Development] Learning

- A. Teachers and other personnel assigned specifically to work with students who have been identified

as gifted and talented shall engage in professional **[development]** *learning* aligned with the competencies specified by the Gifted and Talented Education Specialist certification §13A.12.03.12.

- B. Teachers who wish to pursue leadership roles in gifted and talented education shall be encouraged to obtain Gifted and Talented Education Specialist certification as defined in §13A.12.03.12.

.05 State Advisory Council

The State Superintendent of Schools shall maintain an Advisory Council for Gifted and Talented Education that shall advise the Superintendent on issues and best practices relevant to the education of gifted and talented students in Maryland.

.06 Reporting Requirements

Beginning September 1, 2019, [L]local school systems shall [in accordance with Education Article §5-401 (c) report in their Bridge to Excellence Master Plans] report their identification process, continuum of programs and services, and data-informed goals, targets, strategies, [objectives,] and [strategies regarding the performance of gifted and talented students along with] timelines regarding the performance of gifted and talented students in their consolidated local ESSA plan. [for implementation and methods for measuring progress.]

Strategic Planning Break-Out Session Discussion and Note-taking Organizer

The goal of this session is for participants to give input about how Maryland can move toward consensus and work to increase consistency in the identification procedures for gifted and talented students in the state.

Discussion Topics	Potential Agreements to enhance COMAR Chapter 13A.04.07	Possible Barriers to Implementation
Universal Screening	<ul style="list-style-type: none"> • Add “shall employ a universal screening process” to part A • Interview or asset-based screening • Same process across the state • What can we use for screening that we are already using? • Eliminates subjectivity • State contract for testing • Agree that universal screening provides more info than just gifted services • Provides an effective baseline for all students • 2E and EL still struggle with ID • All students screened through Central Office • Naglieri and OLSAT used, as well • Parents can request retesting in Washington • COMAR should include the word universal screening. “Must” language (vs. “shall consider”) should be in the COMAR. 	<ul style="list-style-type: none"> • Funding (3) • Language barriers in assessment • Interpreting assessment results of universal screening – needs common standards (3) • Local norms need to be defined clearly • Training in culturally responsive pedagogies • Fidelity • Staffing for programs • Is MSDE looking at a state product/contractor for a test to universally screen the students? If so, the instrument should be vetted heavily against “bias” for various student populations. • Amount of testing time required would result in “push-back,” especially at various grade levels (2)
Grade Bands for Identification	<ul style="list-style-type: none"> • Early and/or initial identification -- current common bands are K or Gr. 2) • Parameters for ongoing ID in COMAR 13A.04.07.02. D • Multiple ID bands; not just screening in one band • Cog AT in fall of 2nd grade, again in Grade 5, PTD data in FCPS • Grade 2, PTD Pre-K-2 in AACPS 	<ul style="list-style-type: none"> • Lack of Pre-K and K data • Barrier to ongoing – lack of resources (assessments) • Assessment restrictions-time allocations (4) • State recommendations could be, “by Grade__” • What do we do with testing info? LEAs need to define why they are testing and what programming look like? (2)

NOTE: Numbers in parentheses indicate that more than one group had the same or extremely similar comment. Colored ink represents comments collected from the four different groups. The ink colors **do not** correspond to colored dots from name tags.

	<ul style="list-style-type: none"> • Screen individual students at any grade level when needed in Carroll • Baltimore City screens in K with Naglieri, Pre-K when needed • K in Talbot • K-2 for districts with high poverty (a strong reason exists for earlier ID, especially for kids in poverty) – It makes sense to ID K-2 students only if programming exists for them • The earlier that you assess, the more that you need to keep reassessing students at older grades • 3-5 (a grade band for new registrants, transient populations – Individual districts will need to decide how to handle these populations) 	<ul style="list-style-type: none"> • Timing of the testing w/in the school year (month of administration) • Ability to properly train every teacher to administer ID • Funding (3)
<p>Multiple Methods of Identification (to include potential, aptitude, & achievement)</p>	<ul style="list-style-type: none"> • Broaden COMAR to provide specific parameters for measures such as, but not limited to: portfolios, work samples, academic achievements, PTD, and others • Clarify purpose for multiple instruments to prevent gate keeping or rigid criteria • MSDE Primary Talent Development Program • Flexibility with alternative measures (SPED) • Auditions/interviews • How “local” are we considering the norms to be? School, area, region, district? • Use local benchmark assessments • Teacher checklist • Work samples • PTD a critical tool, REPI scores used • PARCC • Use both quantitative and qualitative data • Observational Rating Scales (teacher) for potential and/or parent rating scale as part of the appeal process (AACPS had used Renzulli rating scales) 	<ul style="list-style-type: none"> • Rigor between schools or LEAs • Standards can vary • Measures vary from LEA to LEA • Potential issues of equity if same measures are used across LEAs • Issues with reporting with small vs. large populations – metrics • Definitions & services of gifted can vary between LEAs (gifted, talented, highly able, etc.) • Are we interpreting Multiple Methods the same way? • Use of strict cut-offs • Professional development, especially GT characteristics • Time! • Local autonomy • Funding (3)

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	<ul style="list-style-type: none"> • Work samples/tasks, portfolio products (observational data) • Interviews • Question: Would the PTD program be a norm across the state? 	<ul style="list-style-type: none"> • Need to consider types of measures for special populations • State should not say which measure is used, just that multiple measures need to be used • Could identify for different levels-gifted, advanced, above, on. Look at both ability and achievement • Concern for multiple measures need to be identified. Uniform measures needed so it is equitable between districts • NAGC has standards, minimum criteria for standards. Use as a guide for uniformity so it is consistent for students • Teaching training • Timing of assessment measures
<p>Use of Local Norms</p>	<ul style="list-style-type: none"> • Local and national norms currently not addressed in COMAR • **There should be standardized guidelines for establishing local norms and/or group-specific norms • Discussion of services versus identification with school-specific norms (gold standard, but not really feasible in district context) • How “local” are we considering the norms to be? School, area, region, district? • Same criteria used in all schools • Flexibility provided to ensure identity of underrepresented groups • Uniformity needed • Should have a standard range across the state • Other student groups do not use local norms under ESSA 	<ul style="list-style-type: none"> • Local or group specific norms are not the same by school or between districts – Who calculates local norms? (2) • Transience of students • District programs – not necessarily school programs • A TON of professional development is necessary for everyone involved • Managing data and reporting – access may be a barrier (3) • No additional comments from the “BLUE” group • Please consider the needs of the smaller districts

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	<ul style="list-style-type: none"> • This causes a challenge for GT, we need to think more broadly • Measures need to match tools of accountability, performance may not match accountability measure • Measures used in one district may not match another district’s needs • Need a range of options so that we do not miss students • Add an index by school to match students to services • Testing should provide services for gifted programming or for components of programming • COMAR should specify that the use of local norms is allowable • Terminology for how to use local norms 	
<p>Use of Alternate Pathways</p>	<ul style="list-style-type: none"> • Age-based advocacy? • Self-nomination • Creativity assessments • Assessments for ELLs in primary language • Variation in grade levels • What is working across the state? Where are the GT students growing the most? • Going deeper into data **Requires a paradigm shift • Arts integration • Talent development groups • Creativity Assessments • Higher than expected growth by using different markers for different student groups • The measures that we are currently using may not give an accurate picture of various populations of students • COMAR should have specific language about alternate pathways for specific populations of students – make it more explicit in COMAR 	<ul style="list-style-type: none"> • COST – Particularly people • Concerns about expansion of COMAR without commensurate funding – BUT some districts might better fund gifted if there is accountability from the state to keep local boards motivated • Assessments for ELLs in primary language not matched with services • Included non-traditional teachers • Not as standardized, therefore it can be more subjective • ESSA subgroups as part of the school’s reading and math data – Principals will only focus on students whose strengths are in those subjects vs. the other areas of giftedness • If we identify student strengths in various subject areas, then we need to have GT programming in those areas

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<p>Other:</p> <ul style="list-style-type: none"> • Look at new teacher certificates from higher education- What are the higher ed. institutions doing to prepare for this? • Please consider the outcomes of making GT an ESSA subgroup- Potentially schools would only ID students for reading and math since those are the areas of accountability • Question: Would students who are ID as GT in math be expected to show the same amount of growth in ELA PARCC? • In other states (PA for one), students identified as gifted have an IEP, just like Special Ed. That is developed with parental input and is revised annually. Has MD thought about this? A barrier to doing this would be the time and effort to develop and review the GT IEPs 	<ul style="list-style-type: none"> • What is working across the state? Where are the GT students growing the most? • Conversations need to take place with content supervisors and school psychologists in order to give our colleagues a greater base knowledge in gifted education – Those colleagues typically make GT programming decisions, especially at the secondary levels) • More PL across the state to help with the GT content consistency (math, ELA, etc.) 	<ul style="list-style-type: none"> • No additional comments from the “BLACK” group • No additional comments from the “RED” group • State must consider funding as districts cannot handle an unfunded mandate (2) • Law and advocacy
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Criteria for Excellence: Gifted and Talented Education Program Guidelines

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I. FOREWORD

All students in Maryland's schools must be provided educational opportunities appropriate to their individual abilities which will enable them to reach their maximum potential. Gifted and talented students are one group which has unique abilities and needs. Gifted and talented students are found in youth from all cultural groups, across all economic strata, and in all areas of human endeavor (Maryland Annotated Code, §8-202). This publication is designed to help educators develop appropriate programs and services to meet these students' needs and to challenge their unique abilities.

The original ***Criteria for Excellence: Gifted and Talented Program Guidelines (1983)*** was developed as a collaborative effort by the staff of the Maryland State Department of Education and personnel having responsibilities for gifted and talented programs and services in the local school systems. This document was updated in 2015 and 2018.

It is hoped that educators in Maryland will find this document of value in planning, implementing, and evaluating programs and services for gifted and talented students.

II. INTRODUCTION

The Maryland State Department of Education recognizes the importance of providing all children and youth an educational program which provides all children and youth with opportunities to develop their abilities to the maximum. Gifted and talented students, like other special groups in the school population, possess unique abilities, interests, and needs which can be addressed only through differentiating the regular curriculum and designing specialized programs and services.

The criteria which establish optimal practices are listed for each program component. They define "what should be" in excellent programs and services for gifted and talented students. The criteria provide direction to school systems and individual schools as they plan, develop, and implement new programs and services. They are also intended as a tool for schools to use in assessing and improving their current offerings.

The Annotated Code of Maryland §8-201 defines a gifted and talented student as "an elementary or secondary student who is identified by professionally qualified individuals as having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of a similar age, experience or environment."

A gifted and talented student is one who

- Exhibits high performance capability in intellectual, creative, or artistic areas;
- Possesses an unusual leadership capacity; or
- Excels in specific academic fields.

A gifted and talented student needs different services beyond those normally provided by the regular school program in order to develop the student's potential (Annotated Code of Maryland §8-202).

By virtue of this definition, Maryland subscribes to the multidimensionality of giftedness, seeking to develop programs and services that serve students who are intellectually gifted or excel in specific academic fields and also those students who excel in creativity, the arts, or leadership.

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COMAR 13A.04.07 Gifted and Talented Education requires all Maryland school systems to “...establish a process for identifying gifted and talented students as they are defined in Educational Article Paragraph 8-201, “...to provide different services beyond those normally provided by the regular school program in order to develop the gifted and talented student’s potential and to review the effectiveness of its programs and services.” COMAR 13A.04.07 also states that “teachers and other personnel assigned specifically to work with students who have been identified as gifted and talented shall engage in professional development aligned with the competencies specified by the Gifted and Talented Education Specialist certification Paragraph 13A.12.03.12.”¹

The goal of gifted education in Maryland is to identify and serve gifted and talented students in youth “from all cultural groups, across all economic strata, and in all areas of human endeavor (§8-202).” While the number of gifted and talented students who need a differentiated program will vary, they exist in every school setting.

III. CRITERIA

1.0 Identification of Students

An identification process ensures that all gifted and talented students are recognized so they can be appropriately served. The process identifies students performing at remarkably high levels of accomplishment as well as those showing the potential for performing at remarkably high levels when compared with other students of a similar age, experience, or environment. (8-201) Multiple measures are used for screening and identification and include a measure of cognitive ability given to every student. Additional measures used to confirm placement in services include achievement tests, behavioral checklists and/or supplemental measures as appropriate. Appropriate procedures and criteria for giftedness are developed for each of the various areas: general intellectual capability, creative, or artistic areas, unusual leadership capacity, and specific academic fields. Information about a student’s specific abilities and program needs obtained through the identification process serve as a basis for planning the student’s instructional program. In this way, the identification process is an integral part of the overall instructional program and should enhance the responsiveness of the school to the needs of all students.

Students must be identified early in their academic careers. This is particularly important to find historically underrepresented students. Universal screening happens before 3rd grade to prevent neural atrophy in low-SES students.

¹ As of June 2017, Johns Hopkins University, Notre Dame of Maryland University, and McDaniel College each offer State-approved graduate programs leading to Certification as a Gifted and Talented Education Specialist. Educators with this certification can be a resource to schools and school districts developing programs for their gifted and talented students.

1.1 The Process of Identification

Identification procedures and criteria are specific to the different areas of giftedness being assessed and are directly related to the specific programs and services provided to the student.

Instruments and procedures used in the identification process are as non-biased as possible with respect to race, cultural, ethnicity, socioeconomic background, religion, national origin, gender, or

Criteria for Excellence: Gifted and Talented Education Program Guidelines

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exceptionality. No single assessment shall prevent a student from being identified.

The process of identifying students with demonstrated or potential giftedness includes:

- 1.1.1 An early broad-based screening for cognitive ability of the total school population to ensure that all potentially gifted students have an opportunity to be considered. Cognitive ability tests must be normed, standardized assessments.
- 1.1.2 Achievement data must be used to further screen for giftedness. Achievement tests must be normed, standardized assessments.
- 1.1.3 Alternate assessments should be used as appropriate to ensure equitable identification, particularly among historically underserved populations.

Cognitive Ability Assessment	Achievement Assessments	Alternate Assessments
<p>Group Administered</p> <ul style="list-style-type: none"> • ACT • Cognitive Abilities Test (CogAT) • Naglieri Non-Verbal Assessment (NNAT) • Otis-Lennon School Ability Assessment (OLSAT) • PSAT/SAT • School and College Ability (SCAT) Test • Terra Nova InView • Test of Cognitive Skills <p>Individually Administered</p> <ul style="list-style-type: none"> • Stanford/Binet • WIISPI • WISC 	<ul style="list-style-type: none"> • i-Ready Math and Reading Achievement Assessments • MAP Reading or Math • PARCC • PARCC Diagnostic • Performance Series: Reading and Math • Stanford • Test of Mathematical Giftedness • Woodcock Johnson 	<ul style="list-style-type: none"> • Torrance Test of Creativity • WIDA – expectation is one level a year, if student is making more progress, look at this student (EL Students)

- 1.1.4 Behavioral checklists and other supplemental information as listed in the following chart of MSDE approved, valid and reliable qualitative and quantitative assessment methods should be used as appropriate to ensure equitable identification, particularly among historically underserved populations.

Behavioral Checklists	Supplemental Information
<ul style="list-style-type: none"> • GES -3 • Slocomb Payne • Renzulli Hartman • PTD checklist • SAGES 	<ul style="list-style-type: none"> • Student Interview • Student portfolio • PTD portfolio

- 1.2 The district process for screening and identification is clearly stated and consistently implemented throughout the school system and annually reported to all stakeholders.

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- 1.2.1** Using disaggregated data, each district should evaluate and monitor, year-to-year, its identified gifted population as a reflection of the demographics of its student population.
 - 1.2.2** Part of this evaluation must include an investigation of proportionality of student representation (at minimum: race, ethnicity, gender, SES, and EL).
 - 1.2.3** Twice-exceptional students must be identified in each LEA.
 - 1.2.4** Gifted students must be flagged in the LEA student data system.
- 1.3** Implementation of the identification process includes training for all school staff in characteristics of gifted and talented students, including underserved populations, the identification procedures and criteria, and the instruments and techniques used to identify gifted and talented students.
- 1.4** Schools are encouraged to create a school-based committee consisting of teachers, the principal or assistant principal, and other professional staff members who collect and analyze student identification data to support formal identification by the district.
- 1.5** In addition to nominations based on universal identification procedures, additional nominations may be referred by parents, teachers, peers, self, or others. Information about students is obtained from multiple sources who have first-hand knowledge of the student's performance or potential.
- 1.6** Identification of gifted and talented students is an ongoing process extending from school entry through grade 12. Opportunities are provided for students to be considered for gifted and talented education programs and services throughout their school experience.
- 1.7** Each LEA must develop and implement procedures for notifying parents/guardians of the results of the identification process, including an appeals process, and an explanation of services available to gifted learners.