



Legislative Budget and Finance Committee

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

Offices: Room 400 Finance Building, 613 North Street, Harrisburg

Mailing Address: P.O. Box 8737, Harrisburg, PA 17105-8737

Tel: (717) 783-1600 • Fax: (717) 787-5487 • Web: <http://lbfc.legis.state.pa.us>

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The Status of Special Education for Gifted Students in the Commonwealth

Conducted Pursuant to HR 2013-139

December 2013

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Summary and Recommendations

House Resolution 2013-139 (Appendix A) directed the Legislative Budget and Finance Committee to study the status of special education for gifted students in Pennsylvania public school districts. In Pennsylvania, the Public School Code includes “gifted” within the definition of “children with exceptionalities.”¹ To be labeled “gifted” in Pennsylvania, a school age student must:

- demonstrate outstanding intellectual and creative ability, and
- also require specially designed instruction not ordinarily provided through a district’s regular and special education program.

There are limits to what public school districts are required to provide gifted students. Public school districts, for example, are not required to maximize opportunities for a gifted student beyond a district’s existing regular and special education programs. In a 1988 Pennsylvania Supreme Court opinion, the Court opined:

...A school district may not be required to become a Harvard or a Princeton to all who have IQs over 130. We agree that ‘gifted’ students are entitled to special programs as a group to bring their talents to as complete fruition as our facilities allow. We do not, however, construe the legislation as authorizing individual tutors or exclusive individual programs outside or beyond the district’s existing regular and special education curriculum offerings.²

As a result, services available to gifted students may vary from one district to another due to differences in their regular and special education curriculum offerings. Additionally, state regulations that apply to gifted students in public school districts do not apply to such students when enrolled in a publicly funded charter or cyber school.³ They also do not apply to students when enrolled in private schools.⁴

Proportion of the Student Population Labeled “Gifted” and Their Demographic Characteristics

Between 3 and 5 percent of the overall student population is identified as gifted or talented, according to national experts. In Pennsylvania, about 4.3 percent

¹ 24 P.S. §13-1371.

² *Centennial School District v. Commonwealth of Pennsylvania, Department of Education*, 539 A.2d 785.

³ 24 P.S. §17-1749A.

⁴ 22 Pa. Code §16.42.

of the student population in 2009-10 was identified as gifted, according to data Pennsylvania public school districts report to the U.S. Department of Education.⁵

As shown below, gifted students in Pennsylvania are demographically somewhat similar to those nationwide.

Race/Ethnicity of Gifted Students Nationwide and In Pennsylvania				
<u>Student Race/Ethnicity</u>	<u>Nationwide % Student Population</u>	<u>% Gifted Population</u>	<u>Pennsylvania % Student Population</u>	<u>% Gifted Population</u>
White	49%	62%	69.1%	79.3%
Asian/Pacific Islanders	5	10	3.6	8.1
Black	19	10	17.8	8.5
Hispanic	25	16	9.1	3.4

Source: Developed by LB&FC staff from U.S. Department of Education CRDC data.

Gifted students have been found to have an advanced capacity for processing information quickly, learning rapidly, and reasoning well. They have also been found to be highly diverse, and to have widely varying interests and strengths. Some have extraordinary capacity in math and science; others exhibit such capacity in language and the arts. Some exhibit such capacity in all areas.

With regard to the education of gifted students in Pennsylvania public schools, we found:

❖ **Pennsylvania’s approach to gifted education often, though not always, mirrors the approach of states nationwide. Pennsylvania is:**

- *Among the majority of states (30)⁶ with a state mandate for gifted and talented education, for identification, services, or both, according to the National Association for Gifted Children (NAGC). Neighboring Delaware, Maryland, and New York are without a state mandate.*

⁵ In 2013, Pennsylvania school districts reported to the Pennsylvania Department of Education (PDE) that they served 67,481 gifted students. Such counts, however, are not a complete accounting of gifted students receiving publicly-supported gifted education services. They, for example, do not include gifted students in charter and cyber charter schools. The counts are further understated as the Pennsylvania General Assembly, in an effort to reduce unfunded mandates for school districts, suspended their reporting of certain PIMS (Pennsylvania Information Management System) student data in 2011. Several school districts advised LB&FC staff that they, therefore, do not provide counts of gifted students to PDE.

⁶ Other states include Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

- *1 of 37 states without specific gifted education requirements that colleges and universities with teacher training programs must meet for state program approval.* In the past, higher education institutions have opposed the addition of requirements to their existing curriculum as this may expand beyond four years the number of years required to complete a college teacher training program.
- *1 of 37 states with no annual requirement for specific gifted and talented staff development for teachers of gifted and talented students.* Pennsylvania regulations, however, require school districts in their professional development plans to provide for “in-service training for gifted and regular teachers, principals, administrators and support staff persons responsible for gifted education.”⁷ Such plans are monitored by PDE staff. Pennsylvania also requires all teachers to complete professional development to maintain active instructional certificates. In the past, a PDE contractor provided several online professional development offerings specific to gifted education at no charge to participants.⁸

With the State Board’s final adoption of new regulations on Pennsylvania Core Standard and Keystone Exams in September 2013, PDE is proceeding with plans to include a required module on gifted education in the Pennsylvania Inspired Leadership Program (PIL). PIL is designed to provide required professional development for school leaders such as principals and assistant principals, and other school leaders whom research has shown are key to improved school performance.

Pennsylvania’s approach to credentialing professional staff providing gifted services differs somewhat from many states. Pennsylvania is:

- *Among the minority of states (21) without a specific gifted teaching certificate and/or endorsement required for professionals working in specialized gifted programs.* The Pennsylvania Association for Gifted Education (PAGE) is concerned that without a specific gifted teaching certification requirement:

...In this time of tight budgets, districts are assigning educators with no training to act as this resource. It can be the librarian, the gym teacher, or any teacher with a free period in their schedule.

Currently, Pennsylvania has certification requirements for those working in specialized gifted programs, but the certification is not specifically for gifted education. The Pennsylvania Department of Education’s (PDE) March 2013 *Gifted Enrichment Program Staffing Policy* requires teachers working in such programs to hold a Level I or II instructional certificate, which (unlike instructional

⁷ 22 Pa. Code §16.5(c).

⁸ One course continues to be available at a small cost to participants.

certificates for those teaching in elementary and secondary programs) may be used for any grade level in the enrichment program, as such programs do not require teaching of core content. Additional certification requirements apply for any course (other than enrichment) for which a grade is given as an advanced content course (e.g., advanced mathematics). In such instances, an instructional certificate specific to the subject content and grade level is required.

Pennsylvania State Board of Education regulations also permit PDE, if requested, to approve short programs (12 credit maximum) to be offered by baccalaureate and graduate degree granting institutions, alone or in cooperation with other institutions that lead to a Professional Endorsement Certificate. The regulations state:

The Program Endorsement Certificate is intended to improve a teacher's skills in dealing with complex classroom settings, including teaching gifted students or diverse learners in areas such as...gifted education...These endorsements would be added to existing Level I and Level II Certificates but are not required to perform services in these areas.⁹

PDE reports no institutions currently offer a Program Endorsement Certificate for gifted education.

- ❖ **The Pennsylvania General Assembly and local public school districts have provided continuous funding for gifted education, though the state's method of providing such funding has changed over time.** The National Association for Gifted Children's Gifted Program Standards recognizes that gifted education must be adequately funded. Such standards at a minimum recommend states and schools provide continuous funding for gifted education programming comparable to other education efforts of similar size and scope. They also caution that looking only to separate state or federal funding for gifted programs effectively presumes that the education of gifted learners is not part of the overall education system and not integrated with the district's overall education programming.

⁹ 22 Pa. Code §49.62b.

- *In recent years, Pennsylvania public school districts expended over \$110 million (from all funding sources) for gifted academic support services,¹⁰ according to their annual financial reports. This equates to about \$1,600 per gifted student statewide, assuming 70,000 gifted students.^{11, 12}*
- *Since 1961, Pennsylvania has provided “separate” state funding for special education for exceptional children, which includes exceptional children who have been identified as gifted. Such funding is in addition to the basic education funding the state provides. The amount of state funding (in the state appropriation for special education of exceptional children) for gifted education, however, is not specifically identified as the state funding formula and methods have changed over time.*

❖ **Pennsylvania’s approach to serving gifted students has been influenced by approaches used in providing special education services for children with disabilities, some of which do not appear to be cost-effective.** According to the NAGC’s 2010-11 state survey, Pennsylvania is:

- *1 of only 11 states that engage in ChildFind to identify students who are possibly gifted,*
- *1 of only 11 states that requires individualized education plans,*
- *1 of only 11 states that provide for mediation, due process, and dispute resolution to address differences between parents and school districts.*
- *1 of only six states¹³ that require the evaluation of potentially gifted students based only on a parent’s request.*

Reliance on such approaches may have occurred because gifted students were included in the definition of exceptional children in 1961 along with children with mental and physical disabilities, and school districts were required to identify such children and have them evaluated by public school psychologists and other experts.¹⁴ Such approaches were further reinforced by State Board regulations. When the State Board adopted revised regulations in 1990 to begin to comply with the federal Education of Handicapped Children Act and its amendments, the Board’s regulations continued to include gifted

¹⁰ Such expenditures include expenditures to operate a class for exceptional children where the focus is academic learning. They do not include instructional costs associated with the school’s regular curriculum, or costs associated with non-academic services.

¹¹ The absence of complete counts of gifted students across public school districts preclude us from analyzing such expenditures for individual school districts.

¹² The “base cost” (which excludes food service costs, transportation costs, costs associated with community services, adult education, or capital costs) for educating an average student to meet the Commonwealth’s performance expectations was about \$8,000 in 2005-06, according to a study commissioned by the State Board. The additional costs for gifted students is 0.20 to 0.67 more than the base cost. The higher added costs are incurred by smaller school districts.

¹³ Arizona, Louisiana, Mississippi, Ohio, and Texas also have such a requirement.

¹⁴ Act 1961-546.

students under the Special Education regulations, even though federal law did not require such inclusion. Not until 1998 did the State Board propose revising its regulations to separate gifted education regulations from those governing children with disabilities whose services are effectively governed by federal law and regulations and federal court settlement agreements. At the time, the State Board noted:

Many of the disability-specific mandates are unnecessary for the proper education of gifted students, and may limit the ability of local school districts to implement effective gifted education programs....¹⁵

Despite proposals by the State Board, advocates for gifted children were reluctant to change regulations they viewed as possibly offering legal protections similar to those provided for in federal law for those with disabilities¹⁶ and providing leverage in dealing with public school districts.

Some school districts report that they incur some costs that are unnecessary due to the State Board regulation's prescription for full-scale identification and evaluation processes. In particular, they note the requirement that such evaluations must be initiated upon a parent's request, even though prior testing and performance data indicate the child will not be found to be gifted, and/or previous multidisciplinary evaluations have determined the child is not gifted.

One major urban district with an array of gifted services advised LB&FC staff that it evaluates over 800 students a year, and only half of these students are found to be gifted. Ninety percent of those who are not identified as gifted are parent referrals for multidisciplinary evaluations. According to the district, parents who make such referrals typically have children attending a school with an onsite program limited to gifted students, which they want their children to attend. This district estimates it expends between \$2,000 and \$2,500 for completion of the required multidisciplinary evaluation.¹⁷ If the experience of this district (i.e., similar ratio of annual evaluations per gifted student and similar staff time and costs), are projected statewide, public school districts in Pennsylvania could be expending \$50 million annually to evaluate students to determine if they are gifted, \$25 million of which is for evaluations of students who are subsequently not identified as gifted. Such costs, moreover, do not consider the possible psychological harm to the child who is evaluated on multiple occasions and continually found to not meet the Commonwealth's gifted definition.

¹⁵ 28 Pa.B. 4939.

¹⁶ As federal law and regulations do not apply to gifted education, federal legal protections are actually not available to gifted students, unless such children have been found to have a disability and qualify for services covered under federal law and regulations.

¹⁷ Another non-urban, mid-size district reported similar costs.

❖ **The majority of Pennsylvania public school districts have staff assigned to provide educational opportunities specifically for gifted students, and offer a range of opportunities for enhanced and accelerated learning.**

- *In 2012-13, almost 85 percent of public school districts had teachers assigned to gifted education, including 577 full-time equivalent teachers for elementary grades and 430 full-time equivalent teachers for secondary grades. State regulations call for a maximum ratio of 65 gifted students per individual teacher.¹⁸ Based on the full-time equivalent counts, the average caseload statewide is 67 gifted students per full-time equivalent gifted teacher.*
- *Over 80 percent (409 of 500) offer one or more Advanced Placement (AP) courses, which allow high school students, both gifted and non-gifted, to take part in accelerated learning and earn college credits while in high school. Pennsylvania public school districts appear to outpace provision of AP courses nationally, where 60 percent of the nation’s high schools offer at least one AP course.*
- *Over 75 percent (383 of 500) offer honors courses. Honors courses are secondary level planned courses designed to be advanced in content, process, and product.*
- *Over one-third (183 of 500) provide opportunity for students to be dually enrolled in the school district and college programs. Concurrent or dual enrollment allows high school students to take college courses, typically for college credit.*
- *Approximately one-third (158 of 500) offer the International Baccalaureate programs. This is a pre-university program that students can complete to earn college credit, which emphasizes critical thinking and understanding other cultures or points of view.*
- *About one-quarter (120 of 500) provide one or more specific gifted courses, which may be limited to students who have been labeled gifted. Such courses are typically offered by larger districts. In Pennsylvania, only about 15 percent of school districts have at least 5,000 students overall—the threshold required to have the potential of forming a gifted specific class with approximately 20 students per grade.*

Gifted students are gifted more than a few hours a week. Some educators, therefore, are revising their “regular” school program to provide enrichment opportunities for their entire student body, rather than a limited number of students, and revising their “regular” curriculum to provide more rigorous and advanced classes to challenge all students of high ability throughout the school day. They

¹⁸ The regulations do not specify if the ratio is based on full-time equivalent teachers or full- and part-time teacher counts. They also authorize the Secretary of Education to grant waivers to the standard.

are introducing approaches used in gifted education to promote critical thinking (e.g., subject integrated classes, such as government and economics) and creativity (e.g., project-based learning to solve real world problems) into the “regular” curriculum to provide more challenging course options for all high ability students. They are also providing for subject accelerated classes in late elementary and middle school grades.

❖ **Gifted elementary students in Pennsylvania typically receive enrichment services, with middle and high school students more likely to have opportunities for accelerated learning.** Parents responding to an LB&FC survey in 2013 reported:

- *83 percent of their children in elementary grades received gifted services through part-time pull-out classes.*
- *61 percent of their children in middle school received gifted services through ability grouping or special classes of homogenous grouped students.*
- *71 percent of their children in high school received services through Advanced Placement and International Baccalaureate programs.*

Our survey findings are consistent with national reports on gifted education services at various grade levels.

❖ **More than half (53 percent) of the parents responding to the LB&FC’s online survey of parents¹⁹ of gifted students reported they are satisfied with the gifted education services their children now receive, with 38 percent indicating they are not satisfied.** Both groups of parents, however, expressed concern about the lack of time their children spent in gifted classes. Parents reported:

- *Gifted students typically participated from 1 to 4 hours a week in gifted services.*
- *Opportunities for full-time gifted classes increased with advancing grade level, with 2 percent of elementary, 10 percent of middle, and 26 percent of high school students reported receiving full-time gifted classes.*

Pennsylvania parents also reported:

- *Different views about the gifted service models they prefer for their children. Some prefer pull-out programs, while others prefer accelerated learning and*

¹⁹ More than 4,000 parents of over 5,500 gifted students responded to our survey. Those responding were from all regions of the state, with southeast and northeast Pennsylvania accounting for about 60 percent of all respondents.

increased linkage of gifted services to the core curriculum. Such absence of consensus about gifted service models also occurs among educators.

- *Concerns that exceptional children who are mentally gifted are not afforded educational supports equivalent to those for exceptional children with disabilities.* Such differences are largely due to federal education policies, and landmark federal court decisions concerning state and local education agencies' constitutional obligation to provide free appropriate education to children with disabilities. However, when such cases were decided, many states had laws excluding students who were deaf, blind, emotionally disturbed, or mentally retarded from public schools, and U.S. schools educated only one in five children with disabilities.

In recent years, various federal administrations have not included federal funding for gifted and talented programs in their appropriation requests, noting such grants are not structured to readily assess program effectiveness. Congress, however, continued to provide some funding until 2011, when the final continuing resolution to fund the federal government provided no federal funding for gifted and talented programs.

Since 2004, Congress annually appropriated approximately \$12 billion for special education for the disabled, with the majority of such funding providing grants to states and local education agencies to offset part of the costs of the K-12 education needs of children with disabilities. Despite such significant amounts, federal IDEA (Individuals with Disabilities Education Act) funding covers only 16 percent of the estimated excess cost of educating children with disabilities, well below the original estimate for federal participation (40 percent of the estimated excess cost).

Local school districts and states, therefore, have been left to address the shortfall. In 2013, the Pennsylvania General Assembly established a special Education Funding Commission tasked with the development of a new formula for distributing new (but not existing) state funding to Pennsylvania school districts for special education of children with disabilities to better take into account the needs of severely disabled children with exceptional program needs.

- *Some advocates are also concerned that, with the federal No Child Left Behind Act's (NCLB) emphasis on helping struggling students, the quality of education for students who excel has diminished.* A 2008 national report sponsored by the Thomas B. Fordham Institute concluded based on national data that, since the introduction of NCLB, low-achieving students made substantial gains in math and reading test scores, but the performance of high-achieving students has been "languid."

The Center on Education Policy at George Washington University's Graduate School of Education and Human Development examining state specific data reached a somewhat different conclusion. The Center reported Pennsylvania students have made gains at all levels, including those at the advanced achievement levels.

- ❖ **The Pennsylvania Department of Education has undertaken several initiatives to enhance gifted education in the Commonwealth.** In addition to support for professional development, the Department sponsors a gifted liaison network in partnership with intermediate units to develop local gifted networks and establish communication links between school districts, intermediate units, and PDE. It has taken the initiative to assure that gifted service advocates have had the opportunity to have input into major state initiatives (e.g., the new evaluation system for educators). It also provides resources for gifted educators through its Standards Aligned Systems Portal. Currently, for example, it has provided funding to gifted educators to develop lesson plan extensions in core content areas to be available to teachers working with gifted and talented students who have mastered the academic standards and are prepared for more challenging learning opportunities.

Recommendations

1. ***The Pennsylvania General Assembly should continue to allow Pennsylvania school districts to use funding they receive from the state's Special Education for Exceptional Children (SEEC) appropriation for gifted education services.*** A 2007 study requested by the Pennsylvania General Assembly found that school districts incur certain added costs when educating gifted students. Continuing to allow school districts to use SEEC funds to support gifted programs provides for local flexibility, and is consistent with standards of the National Association for Gifted Education and Pennsylvania's tradition of providing financial support for gifted services.
2. ***The Pennsylvania Department of Education (PDE) should confer with the Pennsylvania Association for Gifted Education (PAGE) and Pennsylvania school districts to determine if there is a need for the Department to develop a program endorsement for gifted educator certificates, consistent with existing state certification regulations.*** Many states have such programs. Prior to PDE being asked to develop such an endorsement, PAGE and school districts should determine the extent to which existing certificate holders are interested and willing to pursue such additional endorsements.
3. ***The Pennsylvania Department of Education should confer with PAGE and state teachers and school boards associations to determine if it should revise its existing policy on certification requirements for educators working in gifted enrichment programs to limit certificate holders to those with certificates in***

core subject areas. By requiring that certificates be in core subject areas (i.e., English, Reading/Language Arts, Mathematics, Sciences, Foreign Languages, Music and Art, and Social Studies), the policy could assure that gifted teachers are skilled in academic subjects.

- 4. The Pennsylvania Department of Education should continue with its initiatives to enhance gifted education services through professional development offerings and improved linkages between gifted education services and recommended state curriculum standards.** Specifically, PDE should proceed with plans to provide professional development for school leaders in the area of gifted education. School leaders are key to improved performance overall, and key to establishing the optimum learning environment for all students.

PDE may also wish to explore options for making available online no/low cost professional development offerings for professional educators working with gifted and talented students. Such offerings should be developed to qualify for Act 48 hours for those completing such online courses.

The Pennsylvania Department of Education also should continue to develop and make available online core standard work plan extensions for use by teachers statewide in their work with gifted and talented students.

- 5. The Pennsylvania State Board of Education, in its upcoming review of state regulations for gifted education services, should seek input on ways to assure that potentially gifted students are identified and evaluated in an efficient manner.** School districts clearly have a responsibility to identify and evaluate potentially gifted students. With the significant amount of performance data available to school districts for individual students, it may no longer be necessary to honor multiple requests for a full multidisciplinary evaluation of students who have previously been found to be not gifted, or who clearly do not meet the state's requirements. Unnecessary multidisciplinary evaluations are costly and consume limited resources that may be better invested in gifted support programs. As part of its regulatory review process, the Board should request the public and stakeholders to suggest criteria for a tiered approach to multidisciplinary evaluations, including criteria for when they need not be completed. The Board should also investigate other state regulatory requirements that may no longer be necessary, such as some of the detailed requirements for all Gifted Individualized Education Plans (GIEPs), and requirements that multidisciplinary evaluations be completed when there is a change in placement such as a student and the student's parents choosing to cease participation in the gifted program. The Board should also request suggested alternatives that will enhance gifted services.

- 6. PDE should consider granting waivers to its gifted education regulations for school districts that implement programs that have demonstrated they can meet the needs of gifted students.** Currently, such waivers are only allowed for

“experimental” programs. Such waivers should provide for differentiated curriculum options for gifted and talented students and allow districts to focus more on curriculum and program rigor and quality, rather than compliance with regulatory process requirements. Programs that receive such waivers should be required to report annually to PDE and the public on the number of participating students, the enrichment and accelerated learning opportunities that are offered as part of the district’s curriculum, and relevant outcome measures (e.g., national and state test scores, enrichment and accelerated program offerings at various school levels, student achievement on AP courses with comparisons nationally and statewide, etc.).

I. Introduction

House Resolution 2013-139 (see Appendix A) directed the Legislative Budget and Finance Committee to study the status of special education for gifted students in Pennsylvania public school districts. Pennsylvania is one of 30 states¹ with a mandate related to gifted and talented education, for identification, services, or both, according to the National Association for Gifted Children (NAGC).

States, including those with some type of mandate, define “gifted and talented” in very different ways. In Pennsylvania, the Public School Code includes “gifted” within the definition of “children with exceptionalities.”² Pennsylvania State Board of Education regulations go on to define a child with an exceptionality as “mentally gifted” as one with an “outstanding intellectual and creative ability the development of which requires specifically designed programs or support services, or both, not ordinarily provided in the regular education program.”³ Nationwide, based on standardized test scores of I.Q., between 3 percent and 5 percent of the general student population may be gifted.

Study Scope and Objectives

Specifically, this study seeks to:

- Describe and assess the process by which students in Pennsylvania are identified as gifted based on legal and regulatory requirements.
- Describe and assess the process through which gifted individualized education plans are developed and implemented for those students who meet legal and regulatory requirements.
- Describe the programs and services provided to gifted students and identify the entities that provide programs and services to such students.
- Identify the state and local costs of providing programs and services to gifted students.
- Provide a demographic breakdown of the students who benefit from programs and services for gifted students.

¹ In addition to Pennsylvania, such states include Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin. Neighboring Delaware, Maryland, and New York do not report having a mandate related to gifted and talented education.

² Act 1949-14 as amended, §1371 (24 P.S. §13-1371) currently defines “children with exceptionalities” to mean “children of school age who have disability or who are gifted and who, by reason thereof, need specially designed instruction.”

³22 PA Code §16.1.

To identify the process by which students in Pennsylvania are identified as gifted, we reviewed Pennsylvania State Board of Education regulations, the Pennsylvania Department of Education *Guidelines for Gifted Education* (2010), public school district websites and policies, and spoke with gifted education coordinators. We also reviewed various court opinions interpreting state statutes and regulations.

To describe and assess the process through which Gifted Individualized Education Plans (GIEPs) are developed and implemented for students who meet legal and regulatory requirements, we reviewed Pennsylvania State Board of Education regulations and the Pennsylvania Department of Education *Guidelines for Gifted Education*, and spoke with gifted program coordinators in select school districts.

To describe the programs and services for gifted students and how such services are provided, we relied on the Pennsylvania Department of Education's (PDE) Pennsylvania Information Management System (PIMS). PIMS, a collaborative effort of PDE and local education agencies, is a statewide longitudinal data system that serves many purposes, including meeting current PDE and federal reporting requirements. We requested, and PDE developed and provided, special PIMS reports that provide information by school district on the number of gifted teaching staff and specific gifted classes in Pennsylvania and other information on relevant courses targeted to gifted and talented students.

In addition, with the support of the Pennsylvania Department of Education, public school districts, and PAGE (the Pennsylvania Association for Gifted Education), we conducted an online survey of parents of gifted students in Pennsylvania public school districts (see Appendix B) to identify the types of services received by their children in elementary, middle, and high school, and the amount of time they participated. Over 4,000 parents with over 5,500 gifted students from throughout the state responded to our survey. We also visited gifted students, staff, and administrators at one Pennsylvania school district to gain their insights about their gifted education services.

We relied on the PIMS database and PDE special reports produced at our request to identify the number of gifted students reported by each school district, including gifted students with a Gifted Individualized Education Plan (GIEP) and those without. While we have included such data within the report, we note that it provides an incomplete accounting of gifted students receiving publicly supported gifted education and services. The data are incomplete as gifted students enrolled in charter schools and home schooling are not included within school districts' counts, as such programs are not required to comply with Pennsylvania State Board of Education regulations concerning gifted education. They, for example, are not required to develop GIEPs for students identified as "gifted," and for whom they provide specially designed instruction through gifted education services.

Our reported counts are also incomplete as the Pennsylvania General Assembly, in an effort to reduce unfunded mandates for school districts, amended the Public School Code in 2011⁴ to suspend the collection from school districts of PIMS student data unless it is required to comply with a federal mandate, necessary for purposes of the Pennsylvania Value-Added Assessment System (PVAAS), necessary for payments or reimbursement by the Commonwealth, or required to comply with other state requirements (e.g., child care provider licensure, background checks, etc.). As reporting on the number of students with GIEPs is not required for such purposes, several school districts advised us that they were not reporting counts of gifted students to PIMS.

To identify the state and local costs of providing programs and services to gifted students, we reviewed the history and approach to funding of programs for gifted students in Pennsylvania. We also reviewed changes that have occurred in the methods used to fund specialized instruction through gifted education services in Pennsylvania, specific costs incurred by the state for gifted education services monitoring and professional support, and school districts' expenditures for gifted support services from their annual financial reports.

To provide a demographic breakdown, including ethnicity and gender, of students who benefit from programs and services for gifted students, we relied on data which school districts nationwide are regularly required to report to the U.S. Department of Education Civil Rights Data Collection (CRDC) program. Smaller school districts in states such as Pennsylvania are not required to report CRDC data, though many do. Despite such missing data, we found the CRDC data for Pennsylvania to be representative of the Commonwealth and include public school districts that account for over 80 percent of gifted students statewide.

Some gifted students are also individuals with disabilities under the federal Individuals with Disabilities Education Act.⁵ Pennsylvania State Board of Education regulations specify that the needs of students with dual exceptionalities are to be addressed through a single IEP developed and implemented, revised and modified in accordance with relevant federal and state regulations for those with disabilities. In view of the added federal procedural protections for gifted students with dual exceptionalities, our study has primarily focused on gifted students without dual exceptionalities.

Acknowledgements

LB&FC staff completed this study with consultation and assistance from the Pennsylvania Department of Education, the Intermediate Unit Gifted Education Network Contacts, the Pennsylvania Association for Gifted Education (PAGE), and

⁴ 24 P.S. §221.1, as amended by Act 2011-24.

⁵ 20 U.S.C.A. §§1400-1419.

those with expertise in the field of gifted education. In particular, we thank the leadership and staff in the Office of Elementary/Secondary Education's Bureau of Teaching and Learning and Bureau of Special Education and PDE's Office of Administration's Center for Data Quality and Information Technology.

We thank PAGE and its leadership for their support and assistance, in particular, Kimm Doherty, current State Affiliate Director for PAGE and a local school board member; Rose Jacobs, Dawn Settle, and Donna Benson. We also thank Linda Deal from Millersville University, and the many parents and educators who provided input to our study.

Important Note

This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as indicating that the Committee's members endorse all the report's findings and recommendations.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.

II. Findings

A. The Characteristics of Gifted Students in Pennsylvania Are Similar to Those of Gifted and Talented Students Nationwide

Gifted students are not a homogenous group but may exhibit characteristics that can include an unusual capacity for processing information quickly, learning rapidly, and reasoning well. They often exhibit heightened capacity to recognize diverse relationships and integrate ideas across disciplines, and are capable of absorbing and retaining substantial quantities of information. They also often demonstrate flexibility in their thought processes in solving problems, and have heightened expectation for themselves and others. They tend to be imaginative and curious, able to work independently, individualistic, strong-willed, and highly sensitive and passionate. They have also been found to be highly diverse, and to have widely varying interests and strengths. Some have extraordinary capacity in math and science; others exhibit such capacity in language and the arts. Some exhibit such capacity in all areas.

The population of gifted and talented students is also as diverse and complex as the overall student population. High ability learners span all cultures, races, classes, and backgrounds. National experts estimate that between 3 and 5 percent of the overall student population qualify as gifted or talented students. In Pennsylvania, about 4.3 percent of the student population in 2009-10 was identified as gifted, according to U.S. Department of Education data.¹

Demographic information on gifted students in Pennsylvania public schools is not routinely collected or reported by PDE. However, school districts often report this information to the U.S. Department of Education through its Civil Rights Data Collection (CRDC), program. The CRDC collects various information on a biennial basis from school districts in the 50 states and the District of Columbia. The data collected includes information on student enrollment and on educational programs and services that is disaggregated by race/ethnicity, sex, limited English proficiency, and disability.²

¹ In 2013, Pennsylvania school districts reported to the Pennsylvania Department of Education (PDE) that they served 67,481 gifted students. Such counts, however, are not a complete accounting of gifted students receiving publicly supported gifted education services. They, for example, do not include gifted students in charter and cyber charter schools. The count is further understated as the Pennsylvania General Assembly, in an effort to reduce unfunded mandates for school districts, suspended their reporting of certain PIMS (Pennsylvania Information Management System) student data in 2011. Several school districts advised LB&FC staff that they, therefore, do not provide counts of gifted students to PDE.

² The CRDC is a mandatory data collection, authorized under the statutes and regulations implementing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, §504 of the Rehabilitation Act of 1973, and under the Department of Education Organization Act (20 U.S.C. §3413).

The CRDC for 2009-10³ includes data from a representative sample of schools and districts representing 85 percent of the students in schools across the nation. The school districts are chosen using a rolling stratified sampling method to ensure that a representative group from each state is included in the data collection. For the 2009-10 CRDC, all school districts with more than 3,000 students were included in the sample.⁴ Nationwide, over 7,000 school districts were included in the sample.

In the 2009 CRDC sample, 280 of Pennsylvania’s public school districts were included. As shown in the Table 1, these school districts include 56 percent of the public school districts in the state and represent over 80 percent of the public school students in Pennsylvania.

Table 1

Pennsylvania Public School Districts Included in CRDC Sample (PDE Enrollment Data 2009-10)				
	<u>Number of School Districts</u>	<u>% of All Pennsylvania School Districts</u>	<u>Number of Students</u>	<u>% of All Students</u>
Included	280	56%	1,349,510	80.2%
Excluded	<u>220</u>	44	<u>333,640</u>	19.8
Total	500		1,683,150	

Source: Developed by LB&FC staff using PDE data.

All but one⁵ of the 220 Pennsylvania school districts that were not included in the CRDC sample had PDE reported 2009 enrollment below 3,000 students. About one-quarter (57 of 220) of the excluded districts reported an enrollment of less than 1,000 students.

Many Pennsylvania school districts included in the CRDC sample reported data for their districts even though they had less than 3,000 students and were not mandated to report in 2009. One of the included school districts had less than 500 students and 14 of the included school districts had enrollment of less than 1,000. Pennsylvania also had 17 school districts included in the CRDC sample with enrollment of over 10,000 students.

³ The most recent set of CRDC data available.

⁴ Some smaller school districts, such as districts in states with fewer than 25 public school districts, and districts subject to federal court orders that are monitored by the U.S. Department of Justice, are also included in the CRDC sample.

⁵ The one excluded school district showed a PDE enrollment of 3,034 for 2009.

Gifted and Talented Education Program Student Characteristics

As part of its 2009 survey, the CRDC asks school districts to report disaggregated enrollment data for gifted and talented education (GATE) programs. The CRDC defines gifted and talented education programs as “programs during regular school hours offered to students because of unusually high academic ability or aptitude or a specialized talent or aptitude.”

As shown in Table 2, CRDC results show that nationally White and Asian students are disproportionately over-represented in gifted and talented education programs compared to the student population as a whole. White and Asian students make up 54 percent of the student population nationally, but they represent 72 percent of the students in gifted and talented education programs. Black and Hispanic students comprise 44 percent of all students nationally, but only 26 percent of the students in gifted programs.

Table 2

Race/Ethnicity of Gifted Students Nationally (2009-10 CRDC Survey)					
	<u>American Indian</u>	<u>Asian/Pacific Islander</u>	<u>Hispanic</u>	<u>Black</u>	<u>White</u>
Percent of Total Enrollment.....	<1.0%	5%	25%	19%	49%
Percent of Gifted Enrollment	<1.0	10	16	10	62

Source: Developed by LB&FC staff from the 2009-10 CRDC survey.

As with the national data, the race/ethnicity of students in gifted programs in Pennsylvania vary from the race/ethnicity of the student population as a whole. As shown in Table 3, White and Asian students comprise almost 73 percent of the total student population in Pennsylvania and over 87 percent of the gifted students. Black students make up about 18 percent of the student population in Pennsylvania but only 8.5 percent of the gifted students. Hispanic students comprise about 9 percent of the student population in Pennsylvania but only 3.4 percent of the state’s gifted students.

Table 3

Race/Ethnicity of Gifted Students in Pennsylvania Public Schools (2009-10 CRDC Survey)						
	<u>American Indian</u>	<u>Asian/Pacific Islander</u>	<u>Hispanic</u>	<u>Black</u>	<u>White</u>	<u>All</u>
Percent of Total Enrollment.....	0.1%	3.6%	9.1%	17.8%	69.1%	100.0%
Percent of Gifted Enrollment...	0.0	8.1	3.4	8.5	79.3	4.3

Source: Developed by LB&FC staff using CRDC data.

As shown in Table 4, the percentage of students of a particular race or ethnicity enrolled in a gifted or talented program varies. For example, as shown in Table 4, Asian/Pacific Islander students in Pennsylvania are more likely to be enrolled in a gifted or talented program than an American Indian, Black, Hispanic, or for that matter, a White student.

Table 4

Percentage of Students in Gifted/Talented Programs by Race/Ethnicity					
Pennsylvania Public Schools (2009)					
	<u>American Indian</u>	<u>Asian/Pacific Islander</u>	<u>Hispanic</u>	<u>Black</u>	<u>White</u>
Total Enrollment	1,950	49,355	122,680	240,625	935,685
Gifted Enrollment.....	15	4,785	2,020	5,015	46,685
% of Category in Gifted Program.....	0.8%	9.7%	1.6%	2.1%	5.0%

Source: Developed by LB&FC staff using CRDC data.

Despite such race/ethnicity differences, Pennsylvania students enrolled in gifted programs appear to mirror overall student enrollment when it comes to gender. As shown in Table 5, the gender of students enrolled in gifted or talented programs in Pennsylvania closely mirrors the gender breakdown of Pennsylvania’s student population as a whole, with just over 51 percent male and just under 49 percent female in both total and gifted enrollment.

Table 5

Percentage of Students in Gifted/Talented Programs by Gender				
(2009-10 CRDC Survey)				
	<u>Male</u>	<u>Female</u>	<u>% Male</u>	<u>% Female</u>
Total Enrollment.....	694,990	659,310	51.3	48.7
Gifted Enrollment	30,380	28,495	51.6	48.4

Source: Developed by LB&FC staff using CRDC data.

B. In General, Though Not Always, Pennsylvania’s Approach to Gifted Education Mirrors the Approach of States Nationwide

It is difficult to compare gifted education in public schools across the nation for a variety of reasons, including the varying criteria used to designate students as “gifted” from state to state. State responses to a national survey regularly conducted by the National Association for Gifted Children, however, provide a basis for certain comparisons.

According to the 2010-11 survey data of National Association for Gifted Children, Pennsylvania, is:

- 1 of 30 states with a mandate for gifted and talented services,¹ and one of 24 states with a mandate for both identification and services for gifted and talented students.

Pennsylvania is similar to most states in that it is:

- 1 of 37 states without gifted and teacher training requirements for all teachers.²
- 1 of 37 states with no annual requirement for specific gifted and talented staff development for all teachers of gifted and talented students, or with such requirements left to the discretion of the local education agency.³

Pennsylvania differs from many states in that it is:

¹ Three of Pennsylvania’s surrounding states (New Jersey, Ohio, and West Virginia) are also among the states with mandates. Delaware, Maryland, and New York are without a state mandate.

² Of the neighboring states, only New Jersey has such a requirement. New Jersey has rules governing the preparation of educators required by their position to be certified based on certain professional standards. The rules provide for certain broad standards. Under standard two—Human Growth and Development—teachers must understand how children and adolescents develop and learn in a variety of school, family, and community contexts and provide opportunities that support their intellectual, social, emotional, and physical development. As part of the actualization of this standard, teachers are to “identify and teach to the developmental abilities of students, which may include learning differences, visual and perception differences, cultural and social-emotional differences, special physical or emotional challenges and gifted and talented exceptionalities.” This is the only requirement in the New Jersey rules and standards related to preparation of teachers for gifted education.

³ None of Pennsylvania’s surrounding states have such a requirement, though Delaware leaves such decisions to the local education agency.

- 1 of 21 states without a specific gifted teaching certificate and/or endorsement required for professionals working in specialized gifted programs.⁴
- 1 of 6 states with professional development training requirements for general education teachers who work with gifted and talented students but that leave specific gifted and talented professional development requirements to the discretion of the local education agency.⁵
- 1 of 5 states (of the 30) with a state mandate for gifted and talented services that report providing no “separate” state funding for their support.

Professional Training, Credentialing, and Professional Development

States vary in the training, credentialing, and continuing professional development requirements they have developed to help assure quality public education.

Pre-Service Training: Like most states, the Pennsylvania Department of Education does not have specific requirements related to gifted education that institutions of higher education providing baccalaureate and graduate teacher training programs must meet to be approved by PDE. In recent years, PAGE has advocated for the Commonwealth to require all teachers to be trained in gifted education as part of their pre-service college and university training. In the past, however,

⁴ Of Pennsylvania’s surrounding states, only New York and West Virginia have such a requirement. West Virginia’s teacher certification has hundreds of education certificate endorsements, including a gifted endorsement. Two institutions of higher education provide certificates and master degrees in gifted education through full and partial online learning courses. Those participating and seeking the endorsement must have previously obtained West Virginia certification in early childhood, or elementary education, or secondary education in the content areas of biology, chemistry, English, general science, mathematics, physics, reading education or specialist, and/or social studies. If a West Virginia school district is unable to employ a teacher with the necessary gifted certification, the county can apply to the state as a critical need area. If approved, the state then reimburses the candidate for the endorsement for costs incurred in the two state programs approved to offer the course required for the endorsement. Such payments occur after successful course completion. New York also requires teachers of gifted students to have a Gifted Education Extension Certificate, which requires successful completion of the Gifted Education Test Framework on the New York State Teacher Certification Examination. The test covers the following areas: understanding developmental learning processes and the significance of giftedness for learning, the characteristics of gifted students, and the types and characteristics of assessment instruments and methods; understanding and the ability to apply procedures for evaluating gifted students; for making placement and programming decisions and for monitoring the progress of gifted students; understanding how to establish a positive and productive learning environment for gifted students; understanding curriculum modification and the need for differentiated instructional strategies and practices for gifted students; understanding how to foster independent learning in gifted students, promote affective and social competence in gifted students, and help gifted students make successful transitions, both within and between educational settings; understanding how to establish partnerships with gifted students and their families to enhance students’ ability to achieve desired learning outcomes; understanding how to establish partnerships with members of the school staff and the community to enhance and support learning opportunities for gifted students; understanding the history and philosophy of gifted education, legal and ethical considerations, and key issues and trends in gifted education in New York State; and completion of a constructed-response assignment involving promoting student development and learning.

⁵ Thirty-six states report they have no gifted and talented professional development training requirement for general education teachers, including neighboring Delaware, Maryland, New York, and West Virginia.

higher education institutions have opposed the addition of requirements to their existing curriculum as this may expand beyond four years the number of years required to complete a college level teacher training program.

Certificate Requirements: As noted above, Pennsylvania is one of 21 states without a specific gifted instructional certificate or certificate endorsement. In Pennsylvania, public school districts are required to employ professional staff holding certain professional certificates issued by PDE. PDE, moreover, has established certification and staffing policy guidelines addressing the requirements for the instructional, specialist, supervisory, administrative, ancillary staffing, and licensed professional certificates it issues. Such policies set forth the requirements for issuance of professional certificates, the grade level and content scope of certificate subject areas, and the appropriate certificate for staffing professional positions in public schools.

Despite not having a specific gifted certificate requirement for those working in gifted programs in Pennsylvania public school districts, such programs must meet certain certified personnel requirements. PDE's March 2013, *Gifted Enrichment Programs Staffing Policy* identifies certification requirements for teachers, coordinators, supervisors, and school psychologists/school counselors working in gifted enrichment programs.⁶ Teachers in such programs must hold a Pennsylvania Instructional I or II certificate, which (unlike Pennsylvania Instructional Certificates for those teaching in elementary and secondary programs) may be used for any grade level in the gifted enrichment program as the enrichment program does not require teaching of core grade content. The policy states that additional certificate requirements apply for any gifted course (other than enrichment) for which a grade is given as an advanced content course. In such instances, an instructional certificate specific to the subject content and grade level would be required.

PDE's *Gifted Enrichment Programs Staffing Policy* has the advantage of allowing gifted enrichment staff to work with students across multiple grades and subject areas in a tutorial/mentoring role, while not permitting such staff to teach in core subject areas and assign pupil grades for such subjects unless they also hold

⁶ In 1987, PDE issued program specialist certificates (i.e., certificates for an assignment for which no instructional, education specialist, supervisory, or administrative certificate exists) for tutorial/resource teachers in a multiple-subject learning center in which students receive their assignments, tests, examinations, and grades from regular teachers appropriately certified for each area and grade level of classes to which the student would otherwise normally be assigned. The 1987 policy provides as an example gifted programs where the teacher serves in a tutorial/monitoring role with pupils and a coordinating role with other certified staff. Such program specialist certificates, however, were not transferrable from position to position, or school entity to school entity, as they were issued based on the specific position description of the employee. In 1990, PDE discontinued the policy of issuance of program specialist certificates, and PDE established that any Level I or II Pennsylvania certificate was a qualifying certificate for assignments previously performed by those holding a program specialist certificate. In December 1990, PDE further clarified that in addition to the Level I and Level II certificate qualification for those assigned to work with mentally gifted and talented, the school entity "has the prerogative to establish a specific prerequisite certificate(s) as well as special training, education, experience, skills or abilities which a person in this position must possess to perform the assigned responsibilities."

instructional certificates for the relevant content and grade level. The flexibility provided by current policy, which may be needed in school districts or areas without large student bodies, can, however, open the door for those holding instructional certificates other than instructional certificates in a core content area⁷ to be assigned to mentor and tutor students in gifted enrichment programs. PDE's staffing policies are administrative policies. As such, PDE can revise its existing gifted enrichment policy to specify that specific instructional certificates, such as instructional certificates in a core content area, be required for those involved in gifted enrichment programs. Appendix C provides a complete list of the types of instructional certificates currently issued in Pennsylvania

State Board of Education Certification of Professional Personnel regulations, moreover, permit PDE to approve short programs (12 credits maximum) offered by baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges, or school entities that lead to a Program Endorsement Certificate.⁸ Specifically, the regulations state:

The Program Endorsement Certificate documents knowledge in new and emerging areas where formal certification does not exist. The Program Endorsement Certificate is intended to improve a teacher's skills in dealing with complex classroom settings, including teaching gifted students or diverse learners in areas such as assistive technology curriculum modification, autism spectrum disorders, assessment, gifted education, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not required to perform service in these areas.⁹

PDE has received requests and has developed standards for two program endorsements: Autism Spectrum Disorders and Instructional Coach Endorsements, but not a gifted program endorsement.

The Pennsylvania State Education Association (PSEA) has advised LB&FC staff that Pennsylvania's program endorsement certificates can help promote improved teacher skills without requiring expansion of the time required for a candidate to obtain a teaching degree beyond four years. Endorsements, moreover, are more feasible than requiring specific courses as part of the 24 post-baccalaureate course requirement to obtain a Level II Instructional Certificate. Specific post-baccalaureate courses may not be readily available in rural areas of the Commonwealth, unless PDE itself develops a statewide online program that would fulfill such a requirement.

⁷ In Pennsylvania, the No Child Left Behind core content areas include English, Reading/Language Arts, Mathematics, Sciences, Foreign Languages, Music and Art, and Social Studies (history, economics, geography, and civics and government).

⁸ 22 Pa.C. §49.62b.

⁹ 22 Pa.C. §49.62b.

PSEA also supports continuing professional development as an important way to enhance teacher skills to better address the range of challenges in the classroom. Currently, PSEA is working with PAGE to develop several webinars on gifted education, which it plans to offer free of charge to its members.

Ongoing Professional Development: Pennsylvania has in place several requirements for ongoing professional development. Act 1999-48, as amended,¹⁰ often referred to as “Act 48,” requires all Pennsylvania professional educators to satisfactorily complete 180 hours of continuing professional education every five years in order to maintain active state professional education certificates. Such continuing education may include 6 credits of collegiate study; 6 credits of continuing professional education; 180 hours of continuing professional education programs, activities, or learning experiences; or any combination of such education equivalent to 180 hours.

The Act requires PDE approve professional development providers that award Act 48 hours, but does not specify the content areas to be addressed through such continuing education activities.¹¹ The Act, moreover, permits public school districts and PDE to offer a range of continuing education activities for which education professionals may be awarded Act 48 credits. As a result, public school districts themselves often provide continuing education activities tailored to the identified needs of their staff.¹² Pennsylvania State Board of Education gifted services regulations, moreover, require school districts in their professional development plans to provide “in-service training for gifted and regular teachers, principals, administrators and support staff persons responsible for gifted education.”¹³

PDE itself makes available considerable free online continuing education activities through its Standards Aligned Systems (SAS) portal.¹⁴ Examples of such continuing education activities include: Creating Meaningful Assessments, Developing Life-Long Learners, Effective Strategies Supporting Language Arts Instruction, Mathematics Instruction, Science Instruction, Social Studies Instruction, and K-12 Open Ended Problem Solving, etc. (Finding I provides additional information on PDE’s plans to incorporate gifted education into continuing professional education modules for school leaders.)

¹⁰ 24 P.S. §12-1205.2

¹¹ PDE has established guidelines for approval of Act 48 providers and continuing education offerings.

¹² For additional information, see the LB&FC’s *Interim Report on Pennsylvania’s Continuing Professional Education Program*, November 2012, and *Pennsylvania’s Continuing Education Programs for Professional Educators*, April 2013, reports.

¹³ 22 Pa.C. §16.5 (c).

¹⁴ The Pennsylvania Standards Aligned System is a collaborative product of research and good practice that identifies six distinct elements which, if utilized together, will provide schools and districts a common framework for continuous school and district enhancement and improvement. It is based on research and practice showing schools that produce student achievement have all education stakeholders focused on six common elements: standards, assessments, curriculum framework, instruction, material and resources, and safe and supportive schools. The SAS Portal serves as a comprehensive resource for educators and administrators to implement SAS in their schools. It is organized to provide educational content aligned to Pennsylvania’s academic standards and provide educators with related classroom tools to enhance their teaching effectiveness.

In the past, PDE provided free of charge online Act 48 continuing education activities through a vendor that included continuing education activities specially focused on gifted and talented learners. One such offering (Strategies for Modifying and Adapting Instruction for Gifted Students) continues to be available online for Act 48 hours at a small cost to participants.

Some states provide a wide range of gifted education professional development activities through their state education websites. Ohio, for example, has online professional development modules that focus on the role of teachers, parents, school administrators, school counselors, and school psychologists and provide strategies for meeting the unique instructional, social, and emotional needs of gifted and talented students. The modules also provide strategies for differentiated instruction, and information to help meet various program requirements. In addition to reading materials, each of the modules offers participants videos and PowerPoint presentations, and presentations by nationally recognized experts in the field.

Funding of Gifted and Talented Services

The National Association for Gifted Children has developed standards for programs designed for gifted and talented students. Such standards recognize that gifted education must be adequately funded. Specifically, at a minimum:

- States and schools [should] provide continuous funding for gifted education programming that is comparable to other education efforts of similar size and scope.
- The annual budget for the school district [should] include funding designed specifically for gifted education programming, which should be integrated with other educational programming.¹⁵

The standards also caution that some look only to state or federal funding for gifted programs. Such an approach, however, effectively presumes that the education of gifted learners is not part of the overall education system and not integrated with the district's overall education programming.

The 2010-11 NAGC survey asked states about their funding for gifted and talented services. In 2010-11, 25 states,¹⁶ including neighboring Ohio, reported providing some type of "separate" funding through either formula or discretionary grants for gifted services. When the 2010-11 national survey was conducted Ohio (which does not have a state mandate for services for gifted students) expended approximately \$48 million for gifted, including approximately \$42 million to provide

¹⁵ National Association for Gifted Children, *Aiming for Excellence, Annotations to the NAGC Pre-K-Grade 12 Gifted Program Standards*, 2001, p.5.

¹⁶ Arkansas, California, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Mississippi, Montana, Nebraska, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

partial support for some gifted coordinators and gifted intervention specialists, about \$5 million for gifted identification, and \$1 million for summer programs. Such funding provided services to about 30 percent of Ohio's gifted population, according to the Ohio Association for Gifted Children. In 2010, Ohio changed its education funding system and moved the majority of state gifted funding under its basic school support funding, with the requirement that gifted services be maintained at 2009 levels. More recently, it eliminated its maintenance of effort requirement.¹⁷

Pennsylvania's Approaches to "Separate" Funding for Education of Exceptional Children: Since 1961, Pennsylvania has identified gifted children as "exceptional children" along with mentally and physically handicapped children. The Pennsylvania General Assembly first introduced the term "exceptional children" into statute in 1961, when it substituted that term ("exceptional" children) for the term "mentally or physically handicapped" children. Act 1961-546 defined the term "exceptional children" to mean:

Children of school age who deviate from the average in physical, mental, emotional, or social characteristics to such an extent that they require special educational facilities or services.

Subsequently, the State Board of Education promulgated regulations that included "gifted and talented school-age persons" within the statutory definition of "exceptional children."

Act 1961-546 also included provision for funding for classes for "exceptional children." Specifically, it provided:

The sum of one hundred thousand dollars (\$100,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Public Instruction for the fiscal period ending June 30, 1962, for the purpose of making payments to school districts and county boards of school districts [i.e., the precursor to Intermediate Units] on account of special education of exceptional children.... Provided however, that not more than seventy-five thousand dollars (\$75,000) shall be expended for programs related to social or emotionally disturbed children and not more than twenty-five thousand dollars (\$25,000) shall be expended for programs related to gifted children.

¹⁷ The maintenance of effort provision did not require that state gifted funding continue to be spent on gifted units (i.e., coordinators and gifted intervention specialists), and the prior method of gifted funding required local matching funds. As a result, the requirement for maintenance of effort could be met while allowing districts to reduce funding and staff for gifted students. As noted above, Ohio recently eliminated its maintenance of effort requirement for gifted education. It continues to specify an amount of state funding for gifted education in its budget, but school districts can expend such funds elsewhere, according to Ohio Department of Education staff with whom we spoke.

Excess Cost Funding: Subsequently, special classes for exceptional children, whether provided by public school districts or the 67 county school offices, later incorporated into Intermediate Units,¹⁸ were funded on an “excess cost” basis. In other words, the state aid formula for special education paid the districts all approved excess costs incurred over the regular per pupil cost for the district, and funded intermediate units at 100 percent.

The “excess cost” funding approach had several problems associated with it, including cost unpredictability.¹⁹ Such unpredictability, resulted in a \$2 million deficit in special education reimbursement for school districts in FY 1981-82, with the deficit increasing to \$104 million by FY 1988-89, and with total accrued deficits over the period totaling nearly \$1 billion. With no mechanism to cap the amount of money reimbursed to school districts and intermediate units, and a severe state fiscal crisis, the General Assembly enacted Act 1989-43 directing the State Board of Education to:

Not later than March 1, 1990...adopt revised...Special Education regulations...for the education and training of exceptional children....Such revised regulations and standards shall, at a minimum, provide measures as may be necessary to assure fiscal accountability, prudent management, appropriate education support services and special classes to meet the needs of pupils, and assurance of continued service to children receiving special education instruction and services on the effective date of such revised regulations and standards, including a requirement that no changes in such instruction or service be made unless through changes in the child’s Individualized Education Plan.

Progress in adopting such revised regulations was linked to provisions allowing the state to pay down the “deficit.”

Census-based Funding: In 1991, the General Assembly enacted Act 1991-25, which replaced the “excess cost” funding method with a new formula. When Pennsylvania changed its method of providing state funding for educational services for exceptional children for the 1991-92 school year, it was the only state in the nation that funded all of the “excess costs” for the education of exceptional children.

Act 1991-25’s new “census-based” funding formula for special education was based on school district “average daily membership” and a presumed incidence of exceptional children²⁰ within the “average daily membership.” Table 6 provides the

¹⁸ In the early 1970s, the county school offices were consolidated into 29 regional services agencies or Intermediate Units and inherited county office responsibility for providing special education services.

¹⁹ Other problems included over-identification, lack of local involvement, and incentives for more restrictive placements.

²⁰In the aggregate, the presumed incidence may have been based on prior actual reported student counts.

“census-based” funding formula amounts that were in place, and are currently reflected in the overall base of the state appropriation for special education of exceptional children. As shown in Table 6, for example, in FY 1991-92, the additional amount districts received for special education of exceptional children was \$525 for 17 percent (which included the gifted) of the “average daily membership” and \$7,000 for 1 percent of the “average daily membership” assumed to have severe disabilities.

Table 6

History of State Added Census-Based Payments for Exceptional Students		
<u>Fiscal Year</u>	<u>Added Payment for Those Assumed to Have Severe Disabilities</u>	<u>Added Payment for Those Assumed to Have Mild Severe Disabilities and Gifted</u>
1991-92	\$7,000 ^a 1% of ADM	\$525 ^a 17% ADM
1992-93	\$11,540 ^a 1% ADM	\$1,000 ^a 15% ADM
1993-94	\$12,000 ^a 1% ADM	\$1,025 ^a 15% ADM
1994-95	\$12,500 ^a 1% ADM	\$1,035 ^a 15% ADM
1995-96	\$13,000 ^a 1% ADM	\$1,040 ^a 15% ADM
1996-97 ^a	\$13,125 ^a 1% ADM	\$1,115 ^a 15% ADM
1997-98 ^a	\$13,450 ^a 1% ADM	\$1,150 ^a 15% ADM
1998-99 ^a	\$13,955 ^a 1% ADM	\$1,260 ^a 15% ADM
1999-00	\$14,535 ^a 1% ADM	\$1,315 ^a 15% ADM
2000-01 ^a	Same as 1999-00	Same as 1999-00
2001-02 ^a	Same as 2000-01	Same as 2000-01
2002-03 ^a	101.5% of 2001-02 amount	101.5% of 2001-02 amount
2003-04 ^a	Same as 2002-03	Same as 2002-03
2004-05 ^a	Same as 2003-04	Same as 2003-04
2005-06 ^a	Same as 2004-05	Same as 2004-05
2006-07 ^a	Same as 2005-06	Same as 2005-06
2007-08 ^a	Same as 2006-07	Same as 2006-07
2008-09 ^{a, b}	Same as 2007-08	Same as 2007-08
2009-10 through 2013-14 ^b ...	Same as 2008-09	Same as 2008-09

^a Included a hold-harmless provision.
^b Included a provision for proration of the appropriation.

Source: Developed by LB&FC staff from 24 P.S. §25-2509.5.

With this new approach to supplemental funding for special services for exceptional children, state funding for exceptional children services was no longer directly linked to actual student counts or additional or excess costs incurred for their special programs. Under the “census-based” funding system, moreover, any additional expenditures beyond state aid became the responsibility of the school districts. District wealth, however, was not taken into account under the census-based

formula and did not reduce the potential amount of state funds a more affluent district could receive.

Adjustments to the Census-based Formula: In addition to the state special education “census-based” funding, as early as FY 1994-95, the General Assembly elected to provide (within the state appropriation for special education of exceptional children) specific “supplemental” funding amounts that varied over time. Such “supplemental” funding required that certain criteria be met, and tended to take into account school district wealth and ability to generate local revenue. Over time, the state approach to funding became more complex when the legislature introduced hold harmless provisions for both the “census-based” funding and the “supplemental” funding for exceptional children. With the advent of the fiscal crisis in 2008, moreover, the General Assembly included provisions in the appropriations calling for proration of the available funding if the amount appropriated was not sufficient to cover the amount school districts would otherwise receive under the census-based funding formula and supplemental funding provisions.²¹

As a consequence of Pennsylvania’s complex funding for exceptional children, it is not possible to identify a specific “separate” amount of state funding provided to school districts to serve exceptional children who are gifted. Nonetheless, state funding for such services is included in the state special education of exceptional children appropriation base. In FY 1991-92, the General Assembly appropriated \$508 million in state funding for payments to public schools for special education of exceptional children, which include gifted children. By FY 2013-14, that state appropriation had increased to over \$1 billion in state funds, with public school districts accounting for the largest share of the appropriation.^{22, 23}

²¹ Act 2013-3 (24 P.S. §1-122) established a special Education Funding Commission tasked with the development of a new formula for distributing state funding to Pennsylvania school districts for special education of children with disabilities. The Commission will be considering “Actual Special Education Spending,” which specifically excludes “expenditures that are exclusively for gifted students who do not receive special education pursuant to an individualized education program.” The Commission’s report is due to the General Assembly in fall 2013.

²² Local education agencies also receive federal funds for students who qualify under the federal Individual with Disabilities Act (IDEA). In FY 2013-14, \$435 million in federal funding was available. As noted in Finding G federal funding under IDEA has not been at levels initially anticipated in the federal legislation.

²³ In addition to funding for public school districts, the state special education appropriation in 2013-14 included \$10 million for a Special Education Contingency Fund Allocation, \$56.443 million for core service funding for intermediate units, and \$9 million for institutionalized children’s program funding to Intermediate Units.

Other Funding for Gifted Students: In the 2010-11 national survey, many of the 17 states that reported they did not provide “separate” funding for gifted and talented services, noted that they provide state funding for gifted education through their general education, or basic education, funding. In FY 2013-14, Pennsylvania’s state funding for Basic Education was in excess of \$5.5 billion.

In FY 2013-14, such per pupil subsidies are estimated to average \$3,199 statewide. The state’s basic education funding is intended to equalize the amount of funding available for public education across the state. As a result, the formula takes into account measures that reflect a local district’s wealth and ability and efforts in generating local revenue in support of public education along with a district’s “average daily membership.” As a consequence, the state per pupil subsidy will vary across school districts. In FY 2013-14, for example, school district state per pupil subsidies ranged from a low of \$478 in the Lower Marion school district (with an average daily membership of 7,302 in Montgomery County) to a high of \$12,102 in the Duquesne City school district (with an average daily membership of 708 in Allegheny County). Many of the school districts with higher state per pupil subsidies are distressed (e.g., Chester-Upland school district with a \$8,697 per pupil subsidy and an average daily membership of 6,852) or are districts with low average daily memberships (e.g., Austin Area school district in Potter County with a per pupil subsidy of \$8,061 and an average daily membership of 176).

PA School District Gifted Academic Support Service Expenditures: In recent years, Pennsylvania public school districts expended over \$110 million (from all funding sources) for gifted academic support services,²⁴ according to public school districts’ annual financial reports. This equates to about \$1,600 per gifted student statewide, assuming 70,000 gifted students. Finding C provides additional information on certain public school district costs for gifted services.

Cost of Providing Programs and Services for Gifted Students: House Resolution 139 directed the LB&FC to provide information on the cost of gifted education in Pennsylvania. In part, such costs have been identified in reports previously requested by the Pennsylvania General Assembly.

In 2007, the Pennsylvania State Board of Education, at the direction of the General Assembly, commissioned a “costing out study” to identify the resources required to meet Pennsylvania’s education goals. The study identified “base cost” per pupil for such compliance (i.e., \$8,003 from all funding sources in 2005-06),²⁵ and “added costs” above the base that are associated with a variety of cost factors, (e.g.,

²⁴ Academic support service expenditures include expenditures to operate a class for exceptional children where the focus is academic learning, and do not include instructional costs associated with the school’s regular curriculum, or costs associated with non-academic services.

²⁵ The base cost of educating an average student to meet Commonwealth state performance expectation does not include food service costs, transportation costs, costs associated with community services, adult education, or capital costs, such as school building construction.

school location, enrollment, and student demographics). According to the 2007 study, educating students:

- With disabilities cost school districts 1.3 times more than the base cost.
- Students in poverty 0.43 times more than the base cost.
- English language learners 1.48 to 2.32 times more than the base cost.
- Gifted students 0.20 to over 0.67 times more than the base, with the higher added costs incurred by smaller districts.²⁶

²⁶ APA, *Costing Out the Resources Needed to Meet Pennsylvania's Public Education Goals*, December 2007.

C. Pennsylvania's Approach to Serving Gifted Students Is Influenced by Approaches Used in Providing Special Education for Children With Disabilities

Several states rely on approaches used in providing special education for children with disabilities in their gifted and talented programs. The National Association for Gifted Children program standards recommend school districts have written procedures for student identification that include provision for informed consent, student retention, student reassessment, student exiting, and guidelines for parental appeals when they disagree with assessment results, recommended educational services, or changes in placement.¹ The NAGC standards, however, do not recommend that such procedures mirror those that have been established at the federal level for children with disabilities.

In its annual survey of states, NAGC asks states about the extent to which they have in place practices that rely on approaches used in providing special education for children with disabilities in their gifted and talented programs. According to the National Association for Gifted Children's 2010-2011 national survey,

- 11 states engage in Child Find² to identify students who are possibly gifted,
- 11 states require an Individualized Education Plan for gifted and talented students,
- 11 states provide for mediation³ of required services for gifted and talented students,
- 14 states provide for due process,⁴ and
- 14 states provide for dispute resolution.⁵

Not all states that rely on approaches used in providing special education for children with disabilities in their gifted programs, however, have adopted all of the

¹ National Association for Gifted Children, *Aiming for Excellence: Annotations to the NAGC Pre-K-Grade 12 Gifted Program Standards*, 2001, pp. 51-52.

² The federal Individuals with Disabilities Act (IDEA) includes a Child Find mandate, which requires school districts to identify and locate all children with disabilities. Specifically, IDEA mandates use of general public notices to inform and educate the public about the need to locate and identify all children with disabilities.

³ Under IDEA, mediation is a voluntary, confidential process that allows parties to resolve disputes without a formal hearing process. An impartial mediator assists the parties to express their positions and understand the position of the other parties to help the parties reach an agreement.

⁴ Under IDEA, due process complaints are written complaints filed by a parent or school district involving any matter related to the identification, evaluation, or education placement of a student with a disability, with specific timeframes applying to complaint filings. Due process complaints can proceed to due process hearings, which are formal, quasi-legal procedures before a hearing officer who is not an employee of the state education agency or school district. Parents and school districts can present arguments and evidence in such proceedings.

⁵ Under IDEA, resolution sessions are triggered by a parent's filing a due process complaint. The school district must convene the meeting within 15 days of receipt of the due process complaint, unless the parties agree in writing to waive the meeting or agree to use mediation. The resolution session includes parents, members of the IEP team relevant to the complaint, and a representative of the school district who has decision-making authority. Both parties must agree to any resolution.

above approaches. Pennsylvania is one of only six states that have adopted all such approaches. The other five states, include neighboring West Virginia, Kansas, Louisiana, New Mexico, and North Carolina.

Pennsylvania's Regulation of Special Education for Exceptional Children:

Pennsylvania's reliance on approaches used in providing special education for children with disabilities for gifted student programming may have occurred as a result of Act 1961-546's grouping gifted children together with those with mental and physical disabilities. This act required that the school district identify such school age children, have them evaluated by public school psychologists and other experts, and provide reports on the number of such children enrolled in "special classes."

The State Board of Education's Special Education regulations further reinforced reliance on special education approaches and models in gifted education. Its 1975⁶ Special Education regulations, for example, covered exceptional persons who were "handicapped school-age persons" and "gifted and talented school-age persons."⁷ When the Board adopted revised regulations in 1990 to begin to comply with the federal Education of Handicapped Children Act⁸ and its amendments (later codified as the Individuals with Disabilities Act), the Board's regulations continued to include gifted students under the Special Education regulations, even though federal law did not require such inclusion.

Not until 1998 did the State Board of Education propose revising its regulations governing gifted education to separate gifted education from those governing children with disabilities who are protected under the federal Individuals with Disabilities Education Act. Specifically, the Board noted:

...under current rules, the disability-specific mandates of Federal law and regulations are intertwined with and become requirements for students who are gifted in this Commonwealth. Many of the disability-specific mandates are unnecessary for the proper education of gifted students, and may limit the ability of local school districts to implement effective gifted education programs....⁹

The 1998 proposed amendments maintained most of the requirements of the prior regulations, though they included certain modifications to create a distinction between gifted education and special education. As noted by the Board:

Continuing requirements include provisions for individualized education programs, multidisciplinary team, multidisciplinary evaluation,

⁶ 5 Pa.B. (1541), June 14, 1975.

⁷ Specifically, the regulations defined "gifted and talented school-age persons" to mean "those who in accordance with criteria prescribed in standards developed by the secretary of education, have outstanding intellectual and/or creative ability, the development of which requires special activities or services not ordinarily provided to regular children by local educational agencies."

⁸ Pub.L. 94-142.

⁹ 28 Pa.B. 4939.

personnel requirements, placement in private schools, procedural safeguards, exceptions for experimental programs, duties and responsibilities of the Department and planning requirements for gifted education.¹⁰

The major differences in the former and proposed regulations, according to the Board, included sections:

- Clarifying that, when students are both gifted and eligible for special education, regulations related to special education for disabled students take precedence, and such a gifted student's needs may be met using the procedures set forth in the special education regulations.
- Requiring that each school district have a system for locating and identifying students who are thought to be gifted and in need of specially designed instruction. The new State Board regulations, however, did not explicitly prescribe how districts were to develop and implement such systems, as had occurred under the former special education regulations.
- Providing for gifted multidisciplinary evaluation procedures for students thought to be gifted, and reducing the number of evaluations parents can request that are to be paid for by the school district to one per school term.
- Setting forth requirements regarding educational placement based on a gifted student's needs rather than requiring placement by level of intervention.¹¹

The Board's proposed 1998 regulations also proposed eliminating the need for required routine reevaluations of gifted students every two years, with the Board

¹⁰ 28 Pa.B. 4939.

¹¹ In the prior (1990) regulations, the exceptional student's "placement" was in part based on the IEP team's determination of the "appropriate level of intervention" required to meet the student's need and ability. According to the 1990 regulations: "The appropriate level of intervention shall be the level at which the student performs successfully. In making this determination, the IEP team shall consider the student's age, the services required by the IEP and the type and intensity of the student's academic or behavioral needs, or both. Exceptional children shall be assigned to one of the following levels of intervention: (1) Supportive intervention in the regular class; regular classroom instruction for the entire school day with instructional support provided by special education personnel, including modifications to the regular instructional program and individualization of the exceptional student's instruction by the regular classroom teacher for part of the school day; (2) Supplemental intervention in the regular classroom (itinerant); regular classroom instruction for most of the school day, with special education services and programs provided by special education personnel inside or outside of the regular class for part of the school day; (3) Supplemental intervention in the resource classroom; regular classroom instruction for most of the school day, with special education services and programs provided by special education personnel in a resource classroom for part of the school day; (4) Part-time special education class in the regular school; special education services and programs outside the regular classroom but in a regular school for most of the school day, with some instruction in the regular classroom for part of the school day; (5) Full-time special education class in the regular school; special education services and programs outside of the regular classroom but in a regular school for the entire school day, with the opportunity for participation in regular nonacademic or extra-curricular activities to the maximum extent appropriate; (6) Full-time special education class outside of the regular school; special education services and programs outside of the regular school for the entire school day, with opportunities for participation in regular nonacademic or extra-curricular activities to the maximum extent appropriate.

estimating the elimination of such a requirement would save school districts almost \$20 million (about \$29 million in 2013 dollars) over a three-year period. The Board further noted that based on its proposed regulations “considerable staff time could be redirected to teaching and other services for students.”

In 1998, when the State Board proposed such changes, there was reluctance on the part of many to “decoupling” gifted education regulations from the requirements for special education for disabled students. So much so that the Independent Regulatory Review Commission (IRRC) recommended:

The Board should consider changing the title of Chapter 16 from ‘Gifted Education’ to ‘Special Education for Gifted Students.’ This would alleviate many of the negative perceptions related to removing the gifted education provisions from the special education provisions....¹²

The Board’s final regulations, which were adopted in 2000,¹³ incorporated the IRRC’s suggested change.

The Pennsylvania State Board of Education routinely reviews and updates its regulations, and in 2007, it once again proposed revisions to its regulations for special education of gifted students. In doing so, it clarified that its regulations applied only to public schools, as the Public School Code of 1949 as amended¹⁴ explicitly provides that regulations for special education of gifted students do not apply to charter and cyber charter schools. The proposed regulations also:

- Added a requirement that the gifted education portion of the school district’s strategic plans address the process of identifying children who are gifted and in need of specially designed instruction and outline the gifted special education programs offered by the district.
- Added a requirement that the Department of Education conduct onsite monitoring of school districts to ensure compliance with the regulations, and issue a Basic Education Circular outlining the process and schedule for monitoring.
- Required that school districts have readily available an evaluation request form that their staff and administrators could provide to parents requesting their children be evaluated.
- Required that the gifted multidisciplinary team (which includes the student’s parents if they elect to participate) include in its written report the team’s recommendations for each student’s educational programming.

¹² IRRC comments on proposed regulation #6-266, December 3, 1998.

¹³ 30 Pa.B. 6330.

¹⁴ 24 P.S. §17-1749-A.

- Modified the prescribed timeframes for initiation or completion of various steps in the evaluation and reevaluation processes.
- Required that a teacher of the gifted be included on the GIEP team, and required that school districts notify teachers of their responsibilities to each of their students who are identified as gifted as provided in the students' GIEPs.
- Revised the total number of gifted students on an individual gifted teacher's caseload (from 75 to 60) and the total number of gifted students on an individual gifted classroom teacher's class roster (from 25 to 20), with the option for such requirements to be waived by the Secretary of Education.
- Required that the impartial due process hearings, appeal panel proceedings, and hearing officers adhere to the Commonwealth's General Rules of Administrative Practice and Procedure.¹⁵
- Required that the Department provide an annual report to the Board concerning the due process hearings and appeal panel proceedings.

The State Board received many comments about gifted education in response to its proposed regulations in 2007. Many concerns expressed by commenters, however, were about issues outside of the authority of the Board to regulate in its Special Education for Gifted Students regulations (Chapter 16). Such matters were specifically governed:

- by state law (e.g., age at school admission, age at admission to kindergarten), or
- by state regulations other than Chapter 16 (e.g. professional development and/or certification), including regulations outside of the authority of the State Board to regulate (e.g. Commonwealth General Rules of Administrative Practice and Procedures, rules for due process hearing procedures, etc.).

The Board also determined that many of the suggestions for inclusion in the regulations were not matters suited to state regulation and involved "educational methods" that local school authorities and professionals were best positioned to decide. Such matters include:

- specific types of standardized tests to be used when evaluating students,
- implementation of differentiation and cluster grouping within the regular education classroom to permit gifted student peer interaction with other identified peers, and

¹⁵ 1 Pa. Code Part II.

- the specific multiple criteria that are the determinants for gifted student identification used by districts.

The Board, however, recognized the important role of the Department of Education in providing guidance and information on best practices in promoting quality education for gifted students. (See Finding I for information on the steps the Department has and is taking to improve the quality of gifted education.)

The State Board, moreover, resisted suggestions for adding regulations that had an effect on school district collective bargaining agreements and specifically required expenditure of local public funds. For example, it declined to include in the regulations a requirement for districts to:

- provide extended school year gifted services,
- pay for multiple evaluations within a single year, or
- require that conferences with parents be scheduled during evening hours.

Several commenters, moreover, requested changes to the language in the regulations to substantively alter the Commonwealth’s definition of gifted exceptional children. The State Board’s 2000 regulations clarified that a gifted student is:

A student who is exceptional under §1371 of the Public School Code (24 P.S. §13-1371) because the student meets the definition of ‘mentally gifted’¹⁶ and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessments). This term applies only to students who are of ‘school age’ as defined under §11.12 (relating to school age).¹⁷

Commenters recommended the board delete the phrase “and needs specially designed instruction beyond that required in Chapter 4” in several sections of the regulations, or that the definition of a gifted student be revised to read:

A student who is exceptional under §1371 of the School Code (24 P.S. §13-1371) because the student meets the definition of mentally gifted in this section, and **therefore** [emphasis in the original] needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessments) of the proposed regulations.¹⁸

¹⁶ Mentally gifted—Outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program.

¹⁷ 22 Pa. Code §16.1.

¹⁸ Commonwealth of Pennsylvania State Board of Education 22 PA Code, Chapter 16, Responses to Official Public Comments Propose Rulemaking Published Pennsylvania Bulletin September 8, 2007.

The Board, however, declined to make such changes as they would substantially alter the regulations and Pennsylvania's definition of a gifted student.

In part, Pennsylvania's definition of "gifted students" may explain why some parents of children with outstanding intellectual and creative abilities may have expectations for school district services that districts may not be required to meet. If, for example, a highly talented and creative child with an IQ of 130 is a student at a school district with a range of rigorous academic programs and enrichment services, conceivably such a child might not be labeled "gifted" per the Commonwealth's definition as his/her educational needs might be able to be met through the "regular" programs available at the district.¹⁹

School districts, moreover, are not required by the courts to provide for educational services beyond those that are part of their approved curriculum. (For more on this, see the discussion in Finding G). If, for example, a student has completed all courses in mathematics offered by a district, the district is not required to pay for a student to attend college math courses. Chapter 16, moreover, does not apply to activities that are outside of the regular curriculum, such as extracurricular activities or activities outside of the school year.

Costs to Comply With Certain Chapter 16 Requirements Mirrored on Those for Special Education for Disabled Students: Some school districts report they incur unnecessary costs associated with Chapter 16's prescribed full scale identification, evaluation, and GIEP plan development processes. In particular, they note the requirement that such processes must be initiated based solely on a parental request, even though available student testing and performance data indicates the child will not be found to be gifted, and/or previous multidisciplinary evaluations have found the child is not eligible for gifted services.

Most states allow school districts greater flexibility with respect to identification and evaluation of gifted students than districts are provided in Pennsylvania. In 2010-11, Pennsylvania was one of only six states (the other five states are Arizona, Louisiana, Mississippi, Ohio, and Texas) that required the identification processes take place following parent referrals, according to the NAGC state survey. Exhibit 1 outlines Pennsylvania's process for identifying gifted children. It also outlines the process for developing and implementing gifted individualized education plans (GIEPs) for such children as set forth in state regulations.

¹⁹ See, for example, The Pennsylvania Office for Dispute Resolution, ODR File No. 2916-1112KE involving the State College Area School District. The decision noted that Chapter 16 creates a two part test both of which must be met in order for a student to be found and categorized as gifted. First, the student must be mentally gifted, and second require specifically designed instruction not available through the regular curriculum of the district. In the State College Area School District case, the student's full scale IQ was 130, the student was mentally gifted, and met the first part of the test. The second part of the test, however, was not satisfied because of the nature of the "regular" curriculum of the school district, which provided for advanced classes that met the student's educational needs. As such, the student was not eligible under Chapter 16 and did not require a GIEP, as requested by the student's parents.

Pennsylvania's Process for Identifying Gifted Children and Developing and Implementing Gifted Individualized Education Plans

Screening and Evaluation Process:

- Annually, each school district must conduct awareness activities (e.g., on school district websites, student handbooks, other media) informing the public of gifted education services and programs and the manner in which they can be requested.
- Teachers and parents who suspect a student of being gifted and not receiving appropriate education through the “regular school” programs can refer the student for a gifted multidisciplinary evaluation.
- Parents who suspect their child is gifted may request a gifted multidisciplinary evaluation at any time, with a limit of one request per school term.
- With formal notice and the consent of the child’s parents, the school district initiates a gifted multidisciplinary evaluation to be conducted by a gifted multidisciplinary team.
- Gifted Multidisciplinary Team is formed based on the student’s need and comprised of:
 - the student’s parents, if they elect to participate,
 - a certified school psychologist, who must administer required tests (e.g., IQ tests),
 - persons familiar with the student’s educational experience and performance,
 - one or more of the student’s current teachers,
 - persons trained in the appropriate evaluation techniques, and
 - persons familiar with the student’s cultural background, if available.
- The Gifted Multidisciplinary Evaluation must be of sufficient scope and depth to investigate the student’s suspected giftedness, and include academic functioning, learning strengths, educational needs, and information from the student’s parents (and the student with the parent’s permission), and others who interact with the student on a regular basis.
- Evaluation materials must be free from racial and cultural bias and bias based on disability, professionally validated for the specific purpose for which they are used, and selected to assess areas of educational need and ability and not merely a single general IQ. No one type of test may be used as the sole criteria for determining a child’s giftedness.
- A Gifted Multidisciplinary Written Report (GWR) must be prepared and must bring together the information and findings from the evaluation, include a recommendation as to whether the student is gifted and in need of specially designed instruction and the basis for the recommendation, include recommendations for the student’s programming, and the names and positions of the team members. Typically, the report must be completed within 60 days after the school district receives written consent to conduct the evaluation, and provided to the parents.
- Gifted Multidisciplinary Reevaluations are required when there is a change in educational placement recommended for the child, or at any time based on a recommendation of the GIEP team.

Exhibit 1 (Continued)

Gifted Individualized Education Plan

- Following the Gifted Multidisciplinary Team's written report development, a GIEP Team is formed to include:
 - a representative of the district, who will serve as the chairperson of the GIEP team, who is knowledgeable about the availability of resources of the district, and who is authorized to commit those resources,
 - one or both of the student's parents, if they elect to participate (in-person or through other media),^a
 - the student if the parents choose,
 - one or more of the student's current teachers,
 - other individuals at the discretion of the parents or the district, and
 - a teacher of the gifted.
- If the GIEP team's review of the Gifted Multidisciplinary Written Report (GWR) confirms the child is gifted consistent with Commonwealth requirements, a GIEP is developed based on the GWR within 30 days of the development of the written report.
- The GIEP is to contain the following:
 - a statement of the student's present levels of educational performance;
 - a statement of annual goals and short-term learning outcomes which are responsive to the learning needs identified in the evaluation report;
 - a statement of the specially designed instruction and support services to be provided (for a student covered under IDEA with a disability, this would include accommodations and modifications provided in accordance with federal regulations);
 - projected dates for initiation, anticipated frequency, location, and anticipated duration of gifted education;
 - appropriate objective criteria, assessment procedures and timelines for determining, on at least an annual basis, whether the goals and learning outcomes are achieved; and
 - the names of the GIEP team participants and the date of the meeting.
- The GIEP Plan is provided to the parents along with a notice of parental rights and available procedural safeguards. If agreed to by the parents, typically the plan is implemented no more than 10 school days after it is signed.
- GIEP plan meetings are convened at least annually, or more frequently if conditions warrant at the request of a GIEP team member, the parent, the student, or the school district.

^a The school district must establish and implement procedures designed to ensure parents are offered the opportunity to be present at the GIEP team meeting, with the invitation to the meeting notifying the parents 10 days in advance, and advising the parents of the purpose, time and location, the names of the persons expected to attend, the procedural rights available to protect the student and parents in language that is clear and fully explains all rights, that a determination will be made at the meeting as to whether or not the student is gifted, and that if the student is determined to be gifted a GIEP will be developed at the meeting..

Source: Developed by LB&FC staff from 22 Pa.Code §§16.21-16.32.

One major urban district with an expansive array of gifted services, as well as opportunities for all students through its “regular” curriculum for rigorous advanced learning (e.g., Advanced Placement, Magnet Schools, and Dual Enrollment) advised LB&FC staff that it evaluates over 800 students a year,²⁰ and only half of such students are found to be gifted. Ninety percent of those who are not identified as gifted are parent referrals for evaluation. The district conducts full evaluations of such students as set forth in state regulations based on parental referral even though available test and performance data for the student indicate that the student is highly unlikely to be identified as gifted. According to the district, parents who make such referrals typically have children attending a school with an onsite program limited to gifted students, which they want their children to attend.

This district estimates (based on staff time and number and types of staff involved) it expends between \$2,000 and \$2,500 for completion of the gifted multidisciplinary evaluation prior to the development of the Gifted Individualized Education Plan (GIEP). Another non-urban mid-size district reported similar costs for the completion of the gifted multidisciplinary evaluation. If the experience of the large urban district (i.e., similar ratio of annual evaluations per gifted student and costs) are projected statewide, public school districts in Pennsylvania are annually expending \$50 million to evaluate possible students to determine if they are gifted, and \$25 million of such funds are for evaluations of students who are subsequently not identified as gifted.

Such costs, moreover, do not include the cost to develop the GIEP, the meetings of professional staff associated with such plan development and meetings with parents (estimated at between 20 and 30 hours of staff time), or the added follow-up associated with initial implementation of the GIEP on the part of the regular education teachers and the gifted support teacher. They do not, moreover, consider the lost opportunities that an identified gifted student may experience when the gifted support teacher is working with the student and the student’s classroom teacher on subject accelerated course work and a major part of the support teacher’s time is taken up with screening and evaluation referrals that may be unnecessary. They also do not consider the possible psychological damage to the child who is evaluated on multiple occasions and continually found as not meeting the Commonwealth’s definition of “gifted.”

Placed in context, \$50 million is the equivalent of about 45 percent of the total amount public school districts in Pennsylvania reported spending for gifted support services in their annual financial reports (i.e., over \$110 million in 2011-12). While \$50 million overstates the actual amount of school district gifted support expenditures going toward screening and evaluation of possibly gifted students (as it includes costs associated with regular instructional staff involved in such activities,

²⁰ The district relies on state tests and other data, teacher referrals, and parent referrals to identify potentially gifted students for evaluation.

which are not included in the \$110 million), it illustrates the significant amount of public funding directed toward activities that may be able to be carried out in a more efficient manner.

Current state regulations do not provide a tiered approach to the screening, identification, and evaluation processes, and do not identify criteria for when a full evaluation is or is not required. Full evaluation, for example, should be required for profoundly gifted children with unique needs who require highly advanced curriculum offerings well beyond their age peer grade levels. Conceivably, such evaluations might not be required when existing national and state test and other school performance data, or previous evaluations demonstrate that the child would not meet gifted criteria. They also might not be required if the school can readily demonstrate the child's needs can be met through accelerated courses available through the school district's regular curriculum offerings, and parents are satisfied with such accelerated courses available through the district's regular curriculum. (See Finding F for information on parents' differing expectations for gifted education for their children.)

D. The Majority of Public School Districts in Pennsylvania Have Staff Assigned to Gifted Classes and Offer a Range of Opportunities for Accelerated Learning

Public school districts in Pennsylvania regularly report to the Pennsylvania Department of Education on the number of teachers assigned to gifted education. Almost 85 percent of Pennsylvania public school districts report having teaching staff assigned to gifted education, which can occur in a gifted class or in small group or individual instruction. In some school districts teachers may teach gifted students on a full-time or on a part-time basis.

LB&FC staff analyzed data school districts regularly report to PDE. We reviewed both the total number of teachers assigned to gifted education as well as the full-time equivalent number of teachers. For the 2012-13 school year, we found 421 of Pennsylvania's 500 public school districts report having:

- 798 teachers assigned to gifted classes for elementary students (grades Pre-K – 6) on a full- or part-time basis, or 577 full-time equivalent teachers, and
- 716 teachers assigned to gifted classes for secondary students (grades 7 – 12) on a full- or part-time basis, or 430 full-time equivalent teachers.

State regulations call for a maximum ratio of 65 gifted students per individual teacher and a maximum gifted class size of 20 students.^{1, 2} Based on the reported numbers statewide, individual gifted teachers average about 40 to 50 gifted students. Based on the full-time equivalent counts, the average caseload statewide is 67 gifted students per full-time equivalent teacher.³

Gifted and Talented Education Services Offered by Pennsylvania Public Schools

State Board of Education regulations for gifted services require local public school districts to provide specially designed services for mentally gifted students with an outstanding intellectual and creative ability when the development of such abilities requires specifically designed services not ordinarily provided in the district's regular education program. The regulations define such services as an adaptation or modification to the general curriculum, instructional environment, methods, materials, or a specialized curriculum for students who are gifted.

¹ 22 Pa. Code §16.41. It should be noted that the regulations do not specify if the ratio is applied to teacher counts, or full-time equivalent counts.

² A school district can request a waiver on caseload and class size maximums for extenuating circumstances.

³ As we do not have complete counts of gifted students for all school districts, we have not considered individual school district ratios in our analysis.

As a result, in Pennsylvania, gifted students’ educational needs may be met both through a district’s “regular” education program—especially in advanced or subject accelerated classes—and specific gifted classes for students who have been labeled as gifted.

Pennsylvania school districts offer a variety of classes in their regular instructional classes and in specific gifted courses that address the instructional needs of students with outstanding intellectual and creative abilities. They also routinely report information on such classes to PDE. Table 7 provides the number of school districts offering advanced/accelerated and gifted specific courses in the 2012-13 school year.

Table 7

Pennsylvania Public Schools With Advanced/Accelerated and Gifted Courses
(2012-13)

<u>Courses</u>	<u># of School Districts Offering Courses</u>
Advanced Placement (AP)	409
Honors Courses.....	383
Dual Enrollment	183
International Baccalaureate (IB).....	158
Gifted Courses.....	120

Source: Developed by LB&FC staff from PDE data.

Advanced Placement (AP) Courses are part of a program developed by the College Board where students are offered courses that meet criteria established by higher education institutions nationwide. Such courses are normally available at the 11th and 12th grade level, but in some school districts are also available in middle schools. Public school students in such courses may earn college credits based on their scores on national AP tests and meeting other criteria established by particular colleges and universities. AP exams are available in 34 subject areas, including all sciences, several foreign languages, literature, mathematics, art, and music. In *A Nation Deceived: How Schools Hold Back America’s Brightest Students*, advanced placement courses are recognized as an important approach to accelerated learning and the best large-scale option for bright students who want to take college-level courses in high school.

Over 80 percent (409 of 500) of Pennsylvania’s public school districts offer one or more AP course for their students. Pennsylvania public school districts, therefore, appear to outpace provision of AP courses nationally, where 60 percent of the nation’s high schools offer at least one AP course.

Honors Courses: Over 75 percent (383 of 500) of Pennsylvania’s public school districts report offering one or more honors courses for their students. Honors courses are secondary level planned courses designed to be advanced in content, process, and product. To participate in such classes, students must generally meet prerequisite criteria before entry to the course. These courses include mathematics, science, English language arts, literature and composition, social studies, music and the arts, foreign language, computers and technology, and business.

Concurrent or Dual Enrollment: Over one-third (183 of 500) of Pennsylvania public school districts provide opportunity for their students to be dually enrolled in the school district and college programs. Concurrent or dual enrollment allows high school students to take college courses, typically for college credits. Dual enrollment also provides high school students greater access to a wider range of rigorous academic and technical courses. School districts may partner with a local college or university in order to provide these courses. These opportunities are often in mathematics, science, English language arts, social studies, music and the arts, foreign language, and technology.

International Baccalaureate (IB): Approximately one-third (158 of 500) of Pennsylvania school districts offer the International Baccalaureate program. IB is a pre-university program that students can complete to earn college credit. The program emphasizes critical thinking and understanding of other cultures or points of view. A diploma is awarded at the completion of the IB program which allows graduates access to universities worldwide. The IB program includes courses in mathematics, science, English language arts, social studies, foreign languages, and music and the arts.

Specific Gifted Courses are designed to meet the needs of a gifted student and may be limited to students who have been identified as gifted. About one-quarter (120 of 500) of Pennsylvania public school districts provide one or more specific gifted courses. Such courses include English language arts; mathematics; science; foreign languages; social studies such as history, world culture, and government; as well as seminars or independent study courses.

Specific gifted courses are generally offered by larger school districts.⁴ Only about 15 percent of Pennsylvania school districts have at least 5,000 students overall. Assuming 5 percent of their student body is identified as gifted, only 15 percent of Pennsylvania school districts appear to have the potential of forming a gifted-specific class with approximately 20 students per grade.

⁴ Only six of the 120 districts offering gifted-specific courses had fewer than 1,000 students.

E. Gifted Elementary Students in Pennsylvania Typically Receive Certain Enrichment Services, With Middle and High Schools Students More Likely to Have Opportunities for Accelerated Learning

In Pennsylvania, students with outstanding intellectual and creative abilities whose development cannot be met through the regular school curriculum are to be provided specifically designed services that may include adaption or modification of the general curriculum, instructional environment, methods, materials, or a specialized curriculum. Such services are to be provided based on the student's Gifted Individualized Education Plan (GIEP), which is developed following a multidisciplinary evaluation of the student's instructional needs. Based on PDE reports from school districts, almost 95 percent of gifted students in 2013 (67,481)¹ had a GIEP in place.²

In order to assist school districts in implementing gifted services and informing them of acceptable and best practices in gifted education, the Pennsylvania Department of Education has developed *Gifted Guidelines*. The *Guidelines* state that an effective approach to gifted education would include all of the following:

- Acceleration, in which instruction is matched to the competence level of the student;
- Enrichment, in which opportunities for the investigation of appropriate materials are given; and
- Individualization, in which instruction is matched specifically to the student's achievement, abilities, and interests.

According to data from the *2010-11 State of the States Report* by the National Association for Gifted Children, nationwide:

- Elementary schools (grades 1-6) most commonly provided gifted services through a pull-out resource room,³ regular classroom instruction, or cluster classrooms.⁴

¹ For reasons noted within the Introduction, this count of gifted students understates the total number of gifted students served in Pennsylvania.

² Parents responding to our survey also indicated that almost 94 percent of their gifted children have a GIEP. There are several possible reasons that certain students reported as gifted may not have a GIEP. First, students with outstanding intellectual and creative abilities may have all of their needs met through their school districts enriched and advanced curriculum, and, therefore, a GIEP is not developed. Second, some gifted children may have a disability, and IEPs are developed to address their needs. Finally, there may be a lag time between the time when a child is identified gifted and the time when the GIEP is developed and implemented.

³ A program that takes a student out of the regular classroom during the school day for special programming.

⁴ Grouping assignment for gifted students in the regular heterogeneous classroom. Typically, five or six gifted students with similar needs, abilities, or interests are "clustered" in the same classroom.

- In middle schools gifted services are provided through cluster classrooms, regular classrooms, and pull-out resource rooms, though middle schools also tend to make more use of honors classes and advanced coursework.
- High school gifted service delivery methods tend to be Advanced Placement courses, dual enrollment in college, International Baccalaureate programs, and independent study.^{5, 6}

In the *State of the States* study, Pennsylvania estimated that the most often used delivery methods for gifted services for upper elementary grades (grades 4-6) were pull-out resource rooms, followed by cluster classrooms and regular classrooms. For delivery of gifted services at the high school level, Pennsylvania estimated that the pull-out resource room was most often used followed by continuous progress coursework and regular classroom instruction.

The delivery models Pennsylvania reported for the *2010-11 State of the States Report* differ from reports of gifted service models that are in use nationally, with the exception of models used in elementary grades. They also differ from the service models parents reported in their responses to the 2013 LB&FC parent survey. This suggests that models for serving gifted students in Pennsylvania may have changed in recent years, becoming more like models in place nationwide.

As shown in Table 8, most (83 percent) parents responding to our survey report that their gifted elementary students receive gifted services through pull-out programs. Such reports are consistent with national findings.

Parents responding to the LB&FC survey told us their gifted children in the middle school grades more often received gifted services through ability grouping⁷ (32 percent), special classes of homogeneously grouped students⁸ (29 percent), and cluster grouping (19 percent), rather than through pull-out programs. Such parent survey responses are consistent with reports about the use of gifted service models in middle schools nationwide.

Parents responding to the LB&FC survey also told us that high school students received gifted services most often through ability grouping such as honors

⁵ A self-directed learning strategy where the teacher acts as guide or facilitator and the student plays an active role in designing and managing their own learning.

⁶ The *State of the States Report* findings are consistent with other national findings about models of gifted education that are used nationwide. According to the Duke University Talent Identification Program, the method of providing gifted educational services for students varies by grade level in the United States. A pull-out model is the predominant way gifted services are provided at the elementary level. At the middle and high school level, the predominant method is the special course targeted for gifted and above average learners. Such courses include honors classes, Advanced Placement courses, the International Baccalaureate program, or dual enrollment in college courses.

⁷ Class or group assignment based on observed behavior or performance.

⁸ Grouping of students by need, ability, or interest.

classes and Advanced Placement courses (71 percent), followed by dual enrollment in a college or university course (23 percent), and special classes of homogeneously grouped students (22 percent). Again, the 2013 parent survey findings are consistent with national reports of gifted service models for high school students.

Table 8

Gifted Education Services in Pennsylvania Public Schools			
Percent Reported by Parents Responding to LB&FC Survey			
<u>Type of Gifted Services Provided</u>	<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
Part-time Pull-out Classes.....	83%	a	a
In-class differentiation in general classrooms.....	3	8%	12%
Cluster grouping in general education.....	4	19	8
Special classes of homogeneously grouped students.....	5	29	22
Full-time school for gifted students.....	<1	1	<1
After school learning opportunities.....	<1	1	9
Distance learning.....	<1	1	9
Acceleration by grade.....	1	1	
Acceleration by content area.....	2	6	
Ability grouping (e.g., students placed in advanced classes such as honors classes).....		32	71
Advanced Placement (AP).....			71
International Baccalaureate (IB).....			2
Dual enrollment (in college or university).....			23

^a Our survey did not list pull-out classes as an option for middle and high school students. However, under other, about 50 middle school and four high school parents reported their children participated in pull-out programs.

Source: Developed by LB&FC staff using survey response data.

We also asked the parents of gifted students to provide us with an estimate of the amount of time their children received gifted services each week. At all levels, most gifted students receive gifted educational services between one and four hours each week.

As shown in Table 9, gifted students are more likely to receive full-time gifted services at the middle and high school level, where they are more likely to be receiving services in advanced classes with students grouped based on their abilities in various subject areas. Some educators indicate that they have revised their “regular” curriculum to provide more rigorous and advanced classes to challenge all students of high ability throughout the school day, rather than only a few hours during the week. They have introduced into their “regular” curriculum approaches used in gifted education to promote critical thinking (e.g., subject integrated classes, such as government and economics) and creativity (e.g., project-based learning to solve real world problems). They are also providing for subject accelerated classes in late elementary and middle school grades.

Table 9

Gifted Education Services in Pennsylvania Public Schools

Reported by Parents Responding to LB&FC Survey

<u>Time Service Provided</u>	<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
Less than 1 hour per week.....	14	16	24
1 to 4 hours per week.....	77	64	42
1 day per week.....	7	9	8
All of their time.....	2	10	26

Source: Developed by LB&FC staff using survey response data.

As discussed in Finding F, a major concern expressed by parents was the limited amount of time their gifted children were actually receiving gifted services. Finding F provides more detail on comments provided by the parents of gifted students who responded to our survey.

F. Parents of Gifted Children Vary in Their Views Concerning the Best Method for Educating Their Children

In late summer 2013, with the assistance of the Pennsylvania Association for Gifted Education and the Pennsylvania Department of Education, LB&FC staff surveyed parents of gifted children served by Pennsylvania public school districts.¹ More than 4,000 parents of over 5,500 gifted students responded to our survey.² More than half (53.1 percent) of those responding reported they are satisfied with the gifted education services their children now receive, with about 40 percent (i.e., 37.7 percent) indicating they are not satisfied.³

As shown in Table 10, parents responding to our survey are from school districts throughout the state, with parents from southeast and northeast Pennsylvania accounting for about 60 percent of all respondents. While not shown in Table 10, almost half of the parents have a gifted child in elementary school (Grades 1-5), about 40 percent in middle school (Grades 6-8), and just over one-third in high school (Grades 9-12).

Table 10

Responding Parents' School District Location

<u>Region</u>	<u>Response Percent</u>
Northeast	27.2 %
Northwest.....	5.5
North Central	3.1
Southeast.....	32.7
Southwest.....	12.0
South Central.....	19.6

Source: Developed by LB&FC staff from survey responses.

As discussed in Finding E, the large majority (82.9 percent) of elementary gifted school students receive services through part-time pull-out classes. Fifty percent of middle school students receive services in ability grouped advanced classes (32.0 percent) and special classes of gifted students (28.7 percent). In high school, the large majority of gifted students participate in Advanced Placement classes (70.0 percent) and ability grouped classes (70.0 percent). Parents report 2 percent

¹ For reasons of confidentiality, LB&FC staff did not have access to the names of all parents of gifted children served by Pennsylvania public school districts. The survey was made available online for completion. Parents were informed about and provided links to the survey, and encouraged to complete it by PAGE and by Pennsylvania public school districts at the request of the Pennsylvania Department of Education. The online survey allows only one response from a single devise. Approximately, three-quarters of those responding provided their names and email addresses, and about two-thirds provided their telephone numbers.

² Twenty-four percent of the respondents reported having two gifted school age children, 3.9 percent reported three, and 0.6 percent reported more than three.

³ No opinion was reported by 9.2 percent of the respondents.

of the elementary students, 10 percent of the middle school students, and 26 percent of the high school students received gifted services “all of their time.”

Many parents responding to the survey, including both those who are satisfied and those not satisfied with their child’s gifted services, report they would like to see their children spend more school (and after school) time in gifted services. Exhibit 2 provides some of the comments from the open-ended survey responses indicating parental concerns about the amount of time their children receive gifted services.

While many parents prefer their children have more time in gifted services, there is less consensus as to the approach to gifted services they prefer. In part, such variation may be due to the wide range of giftedness among students and their different needs at different stages. Some gifted children, for example, may have extraordinary strengths in language and the arts, but not math and science. Some may have extraordinary strengths in math and science, but not in language and the arts. Some may be equally gifted in all areas. A few may be profoundly gifted, with unique needs distinguishing them even from their gifted peers.

In part, varying parental views may be due to differences in the available regular curriculum within their school districts. Some districts have as part of their “regular” curriculum substantial numbers of advanced special classes in core subjects in middle and high school grades, and at more than one neighborhood school within the district.

The varying parental views may also be due to the availability of different gifted service models within the parents’ school districts. National experts recognized several different gifted service models, including the “pull-out” model,⁴ the “push-in” model with individual differential instruction⁵ available to a student within a regular classroom with the support of a gifted teacher, cluster grouping,⁶ full-time self-contained programs for gifted children, and special classes usually targeted in mathematics and English for academically and artistically gifted learners within their districts. The size of the school district, however, strongly influences the feasibility of having more than one gifted service model available. VanTassel-Baska, a nationally recognized expert in the field of gifted education, notes that using more than one model is possible if a district has more than 20,000 students. In Pennsylvania, only three school districts currently have more than 20,000 students.

⁴ “A program that takes a student out of the regular classroom during the school day for special programming,” according to the National Association for Gifted Children.

⁵ “Differentiation involves modifying curriculum and instruction according to content, pacing, and/or product to meet unique student needs in the classroom,” according to the National Association for Gifted Children.

⁶ “Cluster grouping is a grouping assignment for gifted students in the regular heterogeneous classroom. Typically, five or six gifted students with similar needs, abilities, or interests are ‘clustered’ in the same classroom, which allows the teacher to more efficiently differentiate assignments for a group of advanced learners rather than just one or two students,” according to the National Association for Gifted Children.

Selected Parent Comments on Time Spent in Gifted Services

Parents Satisfied With Their Gifted Child's Services:

- It would be nice to have more. In gifted he is happy and challenged, once back in his mainstream class he becomes bored.
- I love the teacher, she is amazing. But yes, the kids need more specialized time to be challenged.
- The teachers and what they teach are great, the kids would benefit from more time with the enriching education.
- ...I do wish that my children could spend more time with other gifted students; as they are pulled out of their regular classrooms twice a week to receive services; however it does not always feel like it is enough.
- I think she would do better with all day gifted classes.
- ...I feel they should have more time challenging him through their regular teacher.

Parents Not Satisfied With Their Gifted Child's Services:

- While the teacher and curriculum are wonderful, I would love to see my son have more time in the gifted program.
- These kids should be given more time and opportunity to learn outside of their regular classes.
- The actual instruction is excellent. The total time spent on that instruction is just not enough.
- My son has two 35 minute classes per week. The classes are great, but it is not enough time per week....I am concerned with him becoming an underachiever.
- I feel more should be done for those students who are in gifted—more time in a gifted program, more challenging honors/advanced classes. Education, in general, is too focused on ‘teaching for the test’- meaning the PSSA or other testing (Keystone). Kids aren’t prepared as well as they should be to enter higher education because teachers are so focused on teaching for the test that they can’t always teach in a way that kids learn how to apply their knowledge.
- Amount of time dedicated for gifted education is not sufficient. No measurable goals. Less stress on academic skills. Do not see any homework or guidance specific to lessons taught in gifted class. Very Very disappointed.
- I think more time should be spent with the gifted teacher. Also it should be a scheduled class and not an elective class if there is time!
- My child should receive more personal attention. She is interested in so many topics, but she never has a chance of exploring them at school with the support of a teacher. A lot of topics get repeated year after year, and she gets bored with them. She would rather continue and learn something new.
- I think more time can be allotted to gifted studies. Perhaps a gifted only class. Part of the elementary students’ time is used by transporting the students to the high school. Only about 2 hours or less per week is being utilized for gifted time....
- Should be full time.
- I am pleased with the services that my children are receiving, but think that there should be more services for gifted children. I would prefer that they have a full gifted curriculum or have the option of attending a full-time school for gifted children.

Source: Developed by LB&FC staff from parent survey comments.

In Pennsylvania, many smaller school districts,⁷ moreover, may be constrained in the range of available services they may routinely offer for reasons of scale. A small school district with a total of 10 gifted students of all ages, grade levels, and abilities, for example, may not be positioned to offer a gifted service model at all levels, and for this reason may combine gifted students from various levels together for gifted service provision.

Parents' varying views may reflect their different expectations for gifted services. They may also reflect their different understanding of the parameters for gifted services school districts are required to provide. Expectations for summer and after school programs and individual instruction, for example, may exceed state law and regulatory requirements for public school districts.

Parents' differing views about the model of gifted education best suited to their child parallels the absence of consensus about such programs among gifted educators. Such differing views may also reflect some of the inherent strengths and weaknesses associated with the different gifted education models. For example:

- The pull-out model may provide built-in opportunities for peer interaction and in-depth study or new areas of learning, but may involve limited contact time and lack integration with regular classroom work.
- The push-in model may provide integration into the regular classroom and in-depth study or new areas of learning, but may limit gifted peer interaction to the same grade level.
- Special accelerated classes may provide course syllabuses that are highly focused, take into account uneven development patterns of gifted and talented youth, and accommodate a broad range of academically and artistically gifted learners, but may be limited by subject area and may not sufficiently differentiate the curriculum.

Exhibits 3 and 4 provide some of the varying comments of parents about their gifted students' services, including, in particular, pull-out services, honors, Advanced Placement,⁸ the International Baccalaureate⁹ and acceleration.¹⁰

⁷ Approximately two-thirds (319 of 500) of Pennsylvania school districts have fewer than 3,000 students.

⁸ "Advanced Placement (AP) is a program developed by the College Board where high schools offer courses that meet criteria established by institutions of higher education. In many instances, college credit may be earned with the successful completion on an AP exam in specific content areas," according to the National Association for Gifted Children.

⁹ International Baccalaureate (IB) is a demanding "pre-university program that students can complete to earn college credit. IB emphasizes critical thinking and understanding of other cultures or points of view. A diploma is awarded at the completion of the IB program which allows graduates access to universities worldwide," according to the National Association for Gifted Children.

¹⁰ "Accelerated learning" is "a strategy of progressing through education at rates faster or ages younger than the norm," according to the National Association for Gifted Children.

Exhibit 3

Parent Comments About the Method of Gifted Services Their Children Are Receiving: Pull-out and Enrichment Programs

- The pull-out programs for gifted services and advanced classes are great. During those times, my children are challenged and interested. The differentiated instruction within the classroom is not as successful....
- I like the pull-out gifted classes, I just wish there was more throughout the curriculum and regular classes- differentiation and more creative problem solving work.
- No longer pull-out with one on one instruction. Need structure specific to child's gifted need and no longer receiving this!
- I would love more opportunities for my children to accelerate as they want.....I would love more pull-out time and more advanced materials.
- Would like her to be in an advanced reading and math classes in addition to the gifted pull-out classes.
- I think my child would benefit from pull-out classes as well [as subject accelerated classes] and my request was denied.
- I would like to see more in class instruction and less pull-out.
- She is pulled out during core instruction so she misses what is happening in core instruction.
- My son is gifted in math but math instruction is not covered in his gifted pull-out.
- ...Satisfied with advanced classes....not satisfied with pull-out during class day—sometimes too many events close together.
- I chose not to put him in pull-out because didn't meet his needs. We wrote individual plan for in class support.
- I had previously requested compacting of material and greater differentiation in the gen ed classroom and was denied. I do not agree with a pull-out program. I do not feel that is appropriate for my child....
- ... My middle schooler ...had to drop a chorus class just so gifted pull-out would be available. Last year his gifted class was also with special education students. It had been very frustrating....
- My child is still bored and frustrated in the classroom, pull-outs mean making up work, missing quizzes which have to be made up.
- The gifted program only requires more work in the same classes, which serves as a HUGE deterrent to the student....especially when they are both in the gifted program as well as participating in sports or extracurricular activities. They should have a more aggressive program to select from—include online learning, gifted classes that satisfy class requirements – when they are younger, when they were 'pulled-out' for the gifted program, they had to make up all work, even though they were doing work in the pull-out session, it's too much.
- There is not enough differentiation in the normal classroom and the gifted teacher is only there on a part-time base so the pull-out program is very limited. There is not enough enrichment opportunities for the gifted students.

Exhibit 3 (Continued)

- Would benefit from the gifted program instructor working with regular classroom teacher to develop additional learning curriculum that child can follow when rest of class is working on material below child's educational level that would complement or dovetail pull-out gifted program curriculum.
- Goals are not measurable, data 'tracking' is subjective. I would prefer to see more individualization of classes for the early gifted learner rather than pulling him out 3 hours a week....It's better than nothing, but I don't think it most appropriately meets his educational needs. Our gifted elementary students learn differently, yet are grouped into classrooms where they are often under taught in spite of the teacher's best efforts. 3 hours of pull-out... each week is not an appropriate way to bridge this gap.
- The 'pull-out' sessions are only once per week and mixed with 3rd through 6th graders. There's no real academic structure and the kids spend too much time on the computers playing math games. There is no REAL academic structure and we're quite disappointed in the services. We expected our son to have one on one time with the teacher to expand his skills to achieve higher goals.
- In younger grades, they [i.e., gifted services] consisted of pull-out program which was minimally adapted to the needs of the student. My daughter also participated in an online class that was not at all rigorous or thought provoking....
- Her pull-out services are nothing more than fun, little projects done with other gifted children. She also attends academic competitions from time to time. Highly inadequate.
- Gifted pull-out offers no challenge. As an example, one of the 'gifted projects' this year (3rd grade) was the same ...project used in homeroom back in 1st grade. We have been told repeatedly...that 'more challenging math can't be accommodated; only challenges in language arts'....
- It's extra work, and mind expanding, perhaps, but my students aren't going deep in THEIR giftedness (too grouped, in areas that are fun, but spark no interest). Would like to see them get out of classes to do special projects or do advance placement things.

Source: Developed by LB&FC staff from parent survey comments. Almost 90 percent of parents not satisfied with the gifted services their children receive provided comments, compared to 5 percent of those who are satisfied.

**Parent Comments About the Method of Service Their Children Are Receiving:
Honors, Advance Placement, International Baccalaureate, Acceleration**

- My gifted child...is being challenged adequately, thanks to AP and IB classes.
- In our district..., the Gifted Program provided accelerated and augmentative enrichment at the elementary level. But at the middle school-level, Gifted Program content, time allocation, and classroom-based advocacy are weak. We have opted out at the high school level (where an independent study was our only option for continuing GIEP); AP class offerings are robust and begin at the Sophomore level, which have proven satisfactory.
- ...In high school there are opportunities for advanced learning in core subject areas but in elementary school there were none and in middle school it was only in math class, i.e., algebra 1 & 2. He wasn't challenged for the first time until he reached 11th grade when he had the opportunity to get Advanced Placement in core curriculum areas.
- Gifted education at the Gifted Center (elementary and middle schools) should be based on a more rigorous curriculum. In High School the gifted education is mostly through the CAS [Center for Advanced Studies] classes and the level of those classes far below the level of AP classes.
- I am currently satisfied with the Honors and AP extracurricular activities. However, that was not always the case....
- ...At least at the H.S. level the thirst for knowledge is fed by higher end classes (AP).
- I don't think that they have enough to offer the gifted students at our school. We would like to see AP classes and more honors classes. At the present they only take Honors English.
-Our school has no advanced placements in classes. I definitely feel if my child was placed into a classroom that could move at a faster pace, he could be challenged in that way as well.
- Little to no differentiation within regular classrooms, classroom teachers have little to no training in gifted ed, insufficient academic challenges except AP courses.
- ...I am very happy with the AP program BUT I have been VERY unhappy with the gifted program UP UNTIL high school. There was NO program until then....
- Our school is a rural, money strapped district, and there are less than 10 identified gifted students. My son...was not challenged. Then, I pushed for early graduation, and am supplementing with online AP courses.
- I am very happy with the level of involvement of the gifted teacher, however, I feel that there is not enough of a selection of advance classes for my children to choose from. For example, no Advance Placement classes exist, no Computer Programming classes exist. My sophomore student will be taking the last math class offered by our school district (Calculus) and I am not confident that there will be other higher end math choices available to him during the remaining two years of high school.
- Improvements have been made so that more honors and AP classes are available and the freshman and sophomore classes are more deliberate. There is still room for some collaborative work with local universities.
-Disappointed that students cannot receive any honors or AP classes in middle school. Thrilled that school is trying to fast track some students in math and algebra.
- Not enough AP courses or specialized instruction during core classroom activities....
- AP classes do not meet all the needs of gifted children.

Exhibit 4 (Continued)

- ...While our son is getting a good education by challenging himself with AP classes, this is not individualized instruction! Over the years the district has cut more and more of the individualized opportunities like special field trips, projects, and outside activities....
- She is not challenged to her ability within regular classes or the honors/AP classes and does not have the ability to attend advanced classes out of school.
- I think more needs to be done to move away from just placing gifted children in AP or honors classes, especially in the areas they excel the most in. With the advent of online coursework, dual enrollment in HS and college or enrollment in courses that extend a child's learning to his/her full potential is more accessible and needs to be utilized fully.
- No extra services are really provided. The AP and Honors classes are available to all students.
- My district is not providing gifted services beyond honors or AP classes. There are students sitting next to my child who do NOT have a GIEP and are receiving the same education as my child. Her plan is not individualized! There should be additional opportunities for my child that are 'not in addition to' her regular workload. She should have the opportunity to excel in a way that is unique to her learning style and her areas of gifted ability.
- AP classes are available to all students. Any specific enrichment I asked for was refused as it was not already pre-programmed for the students and posed the potential of extending beyond the contracted teacher time. Both of my children were subsequently tutored outside of the district by a private company for their enrichment and preparation for college.
- Mostly, I think the district does a good job with the honors programs and my children are thriving. However it is not really specialized, like the GIEP calls for. The honors classes are good, for the top 25% of students. I am realistic and satisfied with this.
- The advanced classes/AP course are challenging, however, at the elementary level there were actual 'seminars' for gifted students that allowed them to delve in depth into topics and do creative projects, research and activities. Unless they have a fabulous teacher, that type of academic instruction is lost at the high school level.
- AP classes are still 'busywork' if the student doesn't actually receive college credits for their efforts. Administrative/guidance seem unwilling to allow students to plan for dual enrollment in junior/senior year.
- Because students who have graduated and gone on to college said the AP course credits didn't apply, so what was the use in taking them.
- Gifted students are supposed to be given first scheduling preference, although it is clear that courses are scheduled such that high-achieving students have to choose between gifted classes, AP course, and music education. He could not even get a computer elective this year, and was forced to take a study hall!
- They are encouraged to do more but obtain no credit for what they do. Eventually they can take AP classes or college in high school classes but again they are limited.

Source: Developed by LB&FC staff from parent survey comments. Almost 90 percent of the parents not satisfied with the gifted services their children receive provided comments, compared to 5 percent of those who are satisfied.

G. Exceptional Children Who Are Mentally Gifted Have Not Been Afforded Educational Supports Equivalent to Those for Exceptional Children With Disabilities

In our survey of gifted students' parents, many expressed concern that mentally gifted students do not receive supports equivalent to those for exceptional children with disabilities. Exhibit 5 provides a selection of gifted students' parent comments about this issue. Such differences in support are largely due to federal education policies, and landmark court decisions concerning state and local education agencies' constitutional obligation to provide free appropriate education to persons with disabilities.

Federal Involvement in the Education of Gifted and Talented Children:

In the 1970s, for the first time, the federal government began to take on a more active role in the education of gifted and talented youth. Following the 1972 publication of the Marland Report (a national assessment of programs for gifted students prepared for Congress by the Commissioner of Education, Sidney Marland), federal legislation (Public Law 93-80) was enacted to provide for:

- Creation of an Office of Gifted and Talented within the then U.S. Office of Education. (Previously, such an office had been created administratively and housed within the U.S. Bureau of Education for the Handicapped.)
- Creation of a national Clearinghouse for the Gifted and Talented.
- Funding to state and local education agencies along with grants for training, research, and special projects for the gifted.
- An annual appropriation, not to exceed \$12.5 million.

Subsequently, Congress extended the funding provisions for "special projects" with the passage of the Gifted and Talented Children's Education Act of 1978 (Public Law 95-561). Such projects were intended to provide separate programs for gifted students, rather than have them served in inclusive classroom settings. The 1978 act, moreover, provided financial assistance to states to plan, develop, operate, and improve programs for gifted students. In 1981, however, the 1978 legislation was repealed. This resulted in closure of the Office of Gifted and Talented, the elimination of separate or categorical funding for gifted programs and the inclusion of such funding in a single federal block grant, with a 40 percent reduction in overall federal funding.

Gifted Parents' Concerns Regarding Inequity in Services and Funding for Exceptional Children in Pennsylvania

- There is no funding for gifted education unlike special education, so resources are very scarce...There is unequal protection of gifted and special ed students in the state....
- Gifted students are swept under the rug because they are smart and people feel they do not need extra focus. Special Education students get the majority of help, money, classes, teachers, etc. which is fine, but parents of gifted students must fight every step of the way to get services because their kids are "smart." I have to pay extra money out of my own pocket to provide my daughter with extra learning opportunities and send her out of the state ...to get her advanced opportunities....
- ...There is so little regard for Gifted students my son sleeps through most of his classes waiting for other students to catch up...2.5 hours of a pull-out program a week for a profoundly Gifted child is too little. If this were a "profoundly" mentally disabled child full-time wrap around services would be provided. While we would never begrudge those special needs students getting that support, our school district does not give much support to students at the other end....
- Should be fully funded as a special education....
- ...If we are truly trying to catch up with the educational opportunities presented in other countries, we need to enrich and accelerate truly gifted students with laws that are upheld as rigorously as our Special Education laws....
- Gifted Education in Pennsylvania needs some funding that is attached to each student with a GIEP. Cash strapped districts are saying that they are unable to purchase materials, curriculum, and provide staff with experiences or training in gifted education...I know that the Special Education Department [in my school district] has iPads for use with students with IEPs but that technology is not available for students with GIEPs who would benefit greatly by having access to a way to communicate and collaborate with other students with GIEPs and to interact with their pull-out teacher in a more efficient manner....
- If gifted education is required to meet these children's needs under Special Education then the gifted children should have the same services and rights as all children with needs.
- ...So much money is poured into Special Education for kids who are behind and the focus is on trying to pull those kids up to grade level. The Gifted kids are left to fend for themselves, and much of their time is being wasted in the public school setting....
- In our district, there is a "Director of Special Education." Why is there no "Director of Gifted Education"? I would like to see some parity mandated in the state.

Source: Developed by LB&FC staff from parent survey responses.

Jacob K. Javits Gifted and Talented Students Act: When national concern about the quality of education surfaced again in the late 1980s, Congress enacted the Jacob K. Javits Gifted and Talented Students Act (Public Law 103-382). The act addressed many recommendations in the Marland Report and reinstated earlier programs, while targeting federal support to gifted students who are economically disadvantaged, speak limited English, or have disabilities.

When the No Child Left Behind Act of 2001 was enacted (Public Law 107-110), the Javits Act provisions were maintained, with funding authorization levels

significantly increasing (from \$6.5 million in 2000 to \$11.25 million in 2002). In recent years, however, various administrations have not included the Javits Act programs in their No Child Left Behind appropriation requests, noting such grants are not structured to readily assess program effectiveness. Congress, however, continued to fund Javits Act programs until 2011, when the final continuing resolution that funded the federal government provided no funding for the Jacob Javits Gifted and Talented Student Education Act programs.

While recognizing the significance of the Javits Gifted and Talented Student Act, advocates for gifted students have noted several major shortcomings. Namely, it:

- Provided only modest resources.
- Did not mandate the creation of programs for gifted students.
- Did not include substantive or procedural due process safeguards for gifted students.

Federal Support for Educational Services and Programs for the Disabled

The 1970s were also a time when the federal government took on a more active role with respect to education of children with disabilities. In 1975, Congress enacted the Education for All Handicapped Children Act (Public Law 94-142) to support states and localities in protecting the rights of and in meeting the needs of students with disabilities. Specifically, the act was intended to:

- Assure all children with disabilities have access to a free public education which emphasizes special education and support services designed to meet their individual needs.
- Assure the rights of children with disabilities and their parents are protected.
- Assist states and localities to provide for the education of all children with disabilities.
- Assess and assure the effectiveness of efforts to educate all children with disabilities.

The Education for All Handicapped Children Act, which was subsequently amended and renamed the Individuals with Disabilities Education Act (IDEA) was enacted shortly after landmark federal court cases, including one involving Pennsylvania. These landmark cases—*Pennsylvania Association for Retarded Citizens v. Commonwealth* (1971) and *Mills v. Board of Education of the District of Columbia* (1972)—established the responsibility of states and localities to educate all children with disabilities and that the right of such children to be educated is grounded in

the equal protection clause of the 14th Amendment to the U.S. Constitution. At the time:

- Many states had laws excluding students who were deaf, blind, emotionally disturbed, or mentally retarded from public schools.
- U.S. schools educated only one in five children with disabilities.
- One million children with disabilities were excluded entirely from the education system or had only limited access to it.¹

Federal Financial Assistance for Educational Services for Persons With Disabilities: Since 2004, Congress has annually appropriated approximately \$12 billion for special education for the disabled, with the majority of such funding providing grants to states and local education agencies to offset part of the costs of the K-12 education needs of children with disabilities. To qualify for federal financial assistance, states were required to:

- Demonstrate through a detailed plan submitted for federal approval that it has in effect policies that assure all handicapped students the right to a “free appropriate public education” tailored to the unique needs of the handicapped child by means of “an individualized education program” (IEP).
- Demonstrate IEPs were prepared and reviewed at least annually by school officials with participation by the child’s parents or guardian.
- Provide administrative procedures by which the child’s parents or guardian may challenge any change in the evaluation and education of the child and permit any party aggrieved by administrative decisions to bring civil action in state or federal district court.

Despite the significant amount of federal funding for special education of disabled children, federal IDEA funding in 2012 covered only 16 percent of the estimated excess cost of educating children with disabilities, well below the original target for federal participation (40 percent of the estimated excess cost).² As a result, the “shortfall” in federal IDEA funding has been left to the state and local school districts.

¹ U.S. Office of Special Education Programs, *History: Twenty-Five Years of Progress in Educating Children with Disabilities Through IDEA*.

² At the time IDEA was enacted, Congress estimated that it cost twice as much to educate a child with disabilities than other children. Subsequent studies have shown that such original estimates are accurate.

Disabled and Mentally Gifted Exceptional Children Are Similarly Affected by the Limits Courts Have Identified Within Existing Federal and State Requirements for Their Education

While mentally gifted and disabled children may differ in the amount of public financial support for their education services, they are both affected by the limits courts have drawn as to the substance of the education to which they may receive. In 1982, for example, the U.S. Supreme Court determined (in its first major ruling concerning IDEA) that the law did not guarantee any particular substantive level of education. In the case, a deaf child with minimal residual hearing had been furnished with a hearing aid for use in the classroom and received additional instruction from tutors. With such supportive services, the child performed better than the average child in her class. The school district, however, denied the parents' request for a qualified sign-language interpreter in all academic classes, and the parents challenged the district in federal court. The lower federal courts ruled that because of the disparity between the child's actual performance and potential, the child was not receiving a "free appropriate public education," which the lower court defined as "an opportunity to achieve...full potential commensurate with the opportunity provided to other children."

The U.S. Supreme Court, however, did not agree with the lower court. Specifically, it determined:

The Act's legislative history shows that Congress sought to make public education available to handicapped children, but did not intend to impose upon the states any greater substantive education standard than is necessary to make such access to public education meaningful. The Act's intent was more to open the door of public education to handicapped children by means of specialized education services than to guarantee any particular substantive level of education once inside.

While Congress sought to provide assistance to the States in carrying out their constitution responsibilities to provide equal protection of the laws, it did not intend to achieve strict equality of opportunity or services for handicapped and nonhandicapped children, but rather sought primarily to identify and evaluate handicapped children; and provide them with access to a free public education. The Act does not require a State to maximize the potential of each handicapped child commensurate with the opportunity provided non-handicapped children.³

In view of the U.S. Supreme Court determination with respect to educational services for the disabled, one advocate for gifted education services has noted that it

³ U.S. Supreme Court, *Board of Educ. V. Rowley*, 458 U.S. 176 (1982).

is not surprising that the rights of gifted students have not been assigned a higher priority.

Pennsylvania's Supreme Court, moreover, has acknowledged that maximizing opportunity for a gifted student beyond a district's existing regular and special education program is not required in order to comply with State Board of Education regulations concerning gifted students. In his 1988 opinion in *Centennial School District v. Commonwealth of Pennsylvania, Department of Education and Robert C. Wilburn, Secretary of Education*,⁴ Chief Justice Flaherty, referencing a decision of the Secretary in another case, wrote:

Although gifted exceptional students are entitled to a program of special education, which will address the student's individualized needs, the district's responsibilities to provide such is not without bounds....Accordingly, [the gifted child] is entitled to a basic education program adjusted to meet his needs. The curriculum of this program is to be adapted from the regular basic education curriculum....Yet, [the gifted child's] parents wish him to be provided with more.

We can find neither legal nor factual basis for this. The district has addressed [the gifted child's] giftedness, specifically in the area of mathematics for several years. This has been accomplished by accelerating...to higher level classes or by providing independent study...in this manner the district addressed [the gifted child's] individual needs for mathematics instruction. However, to provide [him] with yet another mathematics course at this point in time would go beyond adaptation of the district's legally required mathematics curriculum and...constitute provision of more than an appropriate program of special education....

Justice Flaherty then went on to conclude:

...A school district may not be required to become a Harvard or a Princeton to all who have IQs over 130. We agree that "gifted" students are entitled to special programs as a group to bring their talents to as complete fruition as our facilities allow. We do not, however construe the legislation as authorizing individual tutors or exclusive individual programs outside or beyond the district's existing regular and special education curricular offerings.

⁴ *Centennial School District v. Commonwealth of Pennsylvania, Department of Education*, 517 Pa. 540 (1988), 539 A.2d 785.

H. High Achieving Students in Pennsylvania Continue to Make Progress on Recognized Achievement Tests, Often Outpacing the Progress Being Made by Other Learners.

Since 2002, with the advent of the No Child Left Behind Act (NCLB), there has been an increased emphasis on helping students attain higher proficiency on state achievement tests. Some advocates for the gifted, and others, however, have questioned: “Has the emphasis on getting struggling students over a low academic bar diminished the quality of education for students who excel academically?” The National Association for Gifted Children in its *2008-09 State of the States in Gifted Education* report, moreover, noted:

NCLB was one of the most negatively rated factors influencing gifted education, with 28 [states’] ratings in the very negative to slightly negative range, 10 neutrals, and only 3 slightly positive ratings.¹

In 2008, the Thomas B. Fordham Institute² issued a two-part report: *High-Achieving Students in the Era of NCLB*. Tom Loveless, a Brookings Institute Scholar, completed Part 1 of the report consisting of an analysis of National Assessment of Educational Progress (NAEP) data.³ The report’s forward characterized its key finding in this way:

Low-achieving students (defined by Loveless as the 10 percent with the lowest scores on the National Assessment of Education Progress) made big strides from 2000 to 2007, gaining sixteen points (on NAPE’s 500 point scale) in fourth-grade reading, eighteen in fourth-grade math, and thirteen in eighth-grade math...Meanwhile, however, the performance of high achieving students is, in Loveless’s words, ‘languid.’⁴ Their scores haven’t fallen, mind you. This isn’t a ‘Robin Hood’ effect, where the bottom went up and the top went down. But the bottom went up rather more than the top did. Looking at long-term NAEP trends for the top 10 percent, one spots a steady line inching ever-so-

¹ National Association for Gifted children, *2008-2009, State of the States in Gifted Education, National Policy and Practice Data*, p.11.

² The Thomas B. Fordham Institute is a public charity with a mission to advance educational excellence for every child through quality research, analysis, and commentary.

³ The National Center for Education Statistics in the U.S. Department of Education is responsible for carrying out the NAEP project. NAEP is a nationally representative and continuing assessment of what American students know and can do in various subject areas. It provides results based on representative samples of students at grades 4, 8, and 12 on subject matter achievement (e.g. math and reading), for populations of students, though it does not provide scores for individual students or schools.

⁴ From 2000 to 2007, high-achieving students in the study gained three points in fourth-grade reading, ten in fourth grade math, and five in eighth grade math.

slowly upward from the early 1990s to today. Enter NCLB, and nothing changes. It's 'benign neglect'....⁵

The report is careful to note that its findings do not imply that NCLB “caused” the achievement levels of the nation’s top students, or that it “caused” the achievement of the lowest-performing students to increase at a greater rate. The report, moreover, does not present data for individual states.

Others have also examined the issue of achievement gains for low and high achieving students using state test (rather than NAEP) data, and provided national and state-specific results. In a 2009 report, the Center on Education Policy⁶ concluded: “we found no strong evidence that NCLB’s focus on proficiency is short-changing students at the advanced or proficient levels.”⁷ Based on state test data for the 50 states, the report concluded:

- Student achievement in reading and math, as measured by the percentages of students reaching various achievement levels (i.e., basic and above, proficient and above, and advanced), has generally increased across the board between 2002 (when NCLB was introduced) and 2008.
- The proficient-and-above level—the target for NCLB purposes—showed the greatest gains, though this may be partly due to a statistical phenomenon which occurs when average scores are rising.⁸
- The advanced level showed more upward than downward trends, as well.
- Although achievement improved at all three grade levels analyzed, there were fewer gains at the high school level than at the elementary or middle school level. The report suggested this may occur as high school students may be less engaged in school and less motivated to perform well on the test; they are subject to more outside influences (e.g., peers, part-time jobs); and high school courses may be less well-aligned with tested material.

Based on the Center on Education Policy’s reported data for Pennsylvania, the percent of Pennsylvania students performing at the advanced achievement level on state achievement tests between 2002 and 2008 had moderate to large gains on

⁵Loveless, T., Farkas, S., & Duffett, A. (2008) *High-Achieving Students in the Era of NCLB*, Washington D.C.: Thomas S. Fordham Institute, p. 10.

⁶ The Center on Education Policy, a center within the George Washington University’s Graduate School of Education and Human Development, is a national, independent advocate for public education and for more effective public schools. It receives funding from major charitable foundations, including, for example, the Gates Foundation, the Ford Foundation, the William T. Grant Foundation, and the MacArthur Foundation.

⁷ Center on Education Policy, *State Test Score Trends Through 2008-08, Part 1, Is the Emphasis on “Proficiency” Shortchanging Higher-and Lower-Achieving Students?*, June 2009.

⁸ When average test scores rise, the percentage of students at the proficient level tends to grow faster than at the basic and advanced levels because more students’ scores tend to cluster near the proficient level.

average each year for all grades and subject areas, with one exception (high school math). As such, Pennsylvania was:

- One of 19 states with moderate to large gains in the percent of students performing at the advanced achievement level in elementary school reading.
- One of 29 states with moderate to large gains in the percent of students performing at the advanced achievement level in elementary school math.
- One of 20 states with moderate to large gains in the percent of students performing at the advanced achievement level in middle school reading.
- One of 32 states with moderate to large gains in the percent of students performing at the advanced achievement level in middle school math.
- One of nine states with moderate to large gains in the percent of students performing at the advanced achievement level in high school reading.
- One of eight states with slight gains (but no decline) in the percent of students performing at the advanced achievement level in high school math.

The Center’s 2011 report on student achievement at 8th grade⁹ in reading and math provides more detailed information on the performance of Pennsylvania students at the advanced achievement level. As shown in Table 11, the average annual gain in the percent of students achieving at the advanced level in 8th grade reading and math in Pennsylvania from 2002 through 2009 consistently outpaced the gains for proficient-and-above and basic-and-above students. In other words, the percentage of all Pennsylvania tested students who scored at the advanced level on the state reading test from 2002 through 2009 increased on average by 5 percent each year, while increasing by 3.1 percent for students who scored at the proficient-and-above level and 1.4 percent for students scoring at the basic-and-above level.

Table 11

Average Yearly Percentage Point Gain 2002 Through 2009 in the Percent of Pennsylvania 8th Grade Students

By Proficiency Subgroup for All Tested Student

<u>Proficiency Subgroup</u>	<u>Average Yearly Percentage Gain in Reading</u>	<u>Average Yearly Percentage Gain in Math</u>
Advanced	5.0	3.9
Proficient-and-above	3.1	2.8
Basic-and-above	1.4	2.0

Source: Center on Education Policy, *State Test Score Trends Through 2008-09, Part 3, Student Achievement at 8th Grade*, April 2011.

⁹ Center on Education Policy, *State Test Score Trends Through 2008-09, Part 3, Student Achievement at 8th Grade*, April 2011.

Unfortunately, as occurred nationally, such gains did not appear to be closing the achievement gap at the advanced achievement level among racial or ethnic subgroups. As shown in Table 12, the percentage of Pennsylvania African-American and Latino students at the advanced achievement level increased from 2002 through 2009, but their gains were not as great as those for Asian and White students. As shown in Table 12, for example, the average yearly gain (from 2002 through 2009) in the percentage of advanced achieving students in reading was 6.3 percent for Asian and 5.3 percent for White students, but was only 3.6 percent for advanced achievement Latino and 0.1 percent for advanced achieving English Language Learners.

Table 12

Average Yearly Percentage Point Gain 2002 through 2009 in the Percent of Pennsylvania 8th Grade Advanced Achievement Level Students							
By Racial and Ethnic Subgroups							
	All Tested Advanced Achievement Level Students' Average Yearly Gain	White	African-American	Latino	Asian	Low Income	English Language Learners
8 th Grade Reading.....	5.0%	5.3%	4.2%	3.6%	6.3%	4.2%	0.1%
8 th Grade Math	3.9	4.2	2.8	2.8	5.3	3.1	-0.6

Source: Center on Education Policy, *State Test Score Trends Through 2008-09, Part 3, Student Achievement at 8th Grade*, April 2011.

In 2011, the Center on Education Policy closely examined the gains in state test scores among high school students who were advanced achievers. Based on data for the states, the report found:

Although high school students made gains in average test scores and proficiency in most of the states analyzed, fewer states showed gains at high school than at grades 4 and 8. More than three-fourths of these states ... made gains at the high school level in mean scores and percentages of students scoring proficient. This pattern was evident in both English language arts and math. But compared with grades 4 and 8, a smaller proportion of states had gains at high school and a larger proportion had declines.¹⁰

Pennsylvania, however, was among the states that continued to have gains at the high school level in students reaching advanced levels of achievement, albeit with average annual gains in the range of 0.19 -1.9 percent in math and 2.0 or more in reading.

¹⁰ Center on Education Policy, *Progress Lags in High School, Especially for Advanced Achievers*, October 2011.

The Center on Education Policy researchers noted that their results differed from the 2008 Loveless study's conclusions. Center researchers noted that such differences could arise as they used different methods and tests in their analysis of the performance of high achieving students than the 2008 Loveless study. They noted, moreover, that their findings about the preponderance of gains at the advanced level typically confirmed the trends uncovered by other researchers in the field.¹¹

¹¹ In a 2008 study, Gribben, Campbell, and Mathew pointed to a significant movement of students from proficient to advanced achievement levels. They concluded: "if teachers are indeed targeting their instruction at the proficient level, the effect is not so extreme as to thwart growth at the advanced level." According to the Gribben, Campbell, and Mathew 2008 study, in 2002, 18 percent of Pennsylvania student test takers were at the advanced level in elementary reading, increasing to 21 percent in 2006, with similar results for middle school reading in 2002 and 2006. For elementary mathematics, 26 percent were at the advanced level in 2002 and 39 percent in 2006, for middle school mathematics, 18 percent were at the advanced level in 2002 and 36 percent in 2006.

I. Pennsylvania Public School Districts Are Responsible for Provision of Gifted Services, Though PDE Provides Technical Assistance, Professional Development Support, Monitoring, and Complaint Handling

Prior to 1874, universal public education in Pennsylvania was a local matter, with each district's local electorate choosing whether it would establish public schools for all children of school age. Universal public education was provided for the first time statewide when the 1874 Constitution provided:

The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.¹

Pennsylvania's current Constitution continues to direct the General Assembly to provide for the maintenance and support of a through and efficient system of public education.

The Public School Code of 1949, as amended, bestows broad powers upon public school districts providing:

The several school districts in this Commonwealth shall be, and hereby are vested as, bodies corporate, with all necessary powers to enable them to carry out the provisions of this act.²

The Public School Code of 1949, as amended, also provides for the Pennsylvania Department of Education to perform specific responsibilities such as provision of technical assistance, responsibilities related to professional development, and receipt of certain data and report preparation. As a result, public school districts have the primary role in provision of basic education in the Commonwealth, including the education of exceptional children who are gifted.

The Pennsylvania State Board of Education regulations concerning gifted education in Pennsylvania capture the Pennsylvania Department of Education role characterizing it as providing "general supervision" over gifted services and programs.³ The regulations also note PDE is required to ensure proper fiscal accountability and prudent management of gifted education by the school districts, and help meet the needs of gifted students by disseminating information and promoting promising practices and innovative programs. The Pennsylvania Department of

¹ 1874 Pennsylvania Constitution, Article X, Section 1.

² 24 P.S. §211.

³ 22 Pa. Code §16.6.

Education currently provides a variety of resources to meet the needs of gifted public school students and strengthen gifted education within the Commonwealth.

In the Department of Education, the Bureau of Teaching and Learning and the Bureau of Special Education in the Office of Elementary/Secondary Education are responsible for supporting and enhancing gifted services in the Commonwealth.⁴ See Exhibit 6. In particular, the Bureau of Teaching and Learning's Division of Curriculum provides technical support for gifted education, and the Bureau of Special Education's Division of Monitoring and Improvement monitors for state regulatory compliance and coordinates the formal written complaint procedure provided for in state regulations. According to the 2010-11 survey data of National Association for Gifted Children, Pennsylvania is 1 of 16 states with at least one state education agency staff assigned full-time to gifted and talented responsibilities.⁵

In the past, the Pennsylvania Association for Gifted Education has advocated for a permanent full-time position in PDE to coordinate and support the Gifted Liaison Network with the Intermediate Units, supervise compliance monitoring, provide training for all levels of school personnel, review Pennsylvania Value-Added Assessment System (PVAAS) reports and collaborate with state universities to ensure inclusion of gifted education in teacher education programs. (See Finding B for a discussion of Pennsylvania's certification requirements for gifted educators.)

Technical Assistance Provided by PDE

Currently PDE's Bureau of Teaching and Learning has one staff member assigned part-time to serve as a liaison with the Pennsylvania Association for Gifted Children and help address regulatory issues concerning curriculum, instruction, programming, graduation requirements, and instructional resources available on Pennsylvania's Standards Aligned System (SAS).

The Bureau also has in place contracts to assist with its work. Through contracts with certain Intermediate Units, for example, it is developing lesson plan extensions in the core content areas for use by students who have already mastered academic content standards. In 2011-12, 16 teachers were involved in writing lesson plans and in 2013-14, 10 individuals were involved in writing plans with 20 individuals involved in their review.⁶ When they are complete, such plans will be available to professionals statewide through PDE's Standard Aligned System Portal.

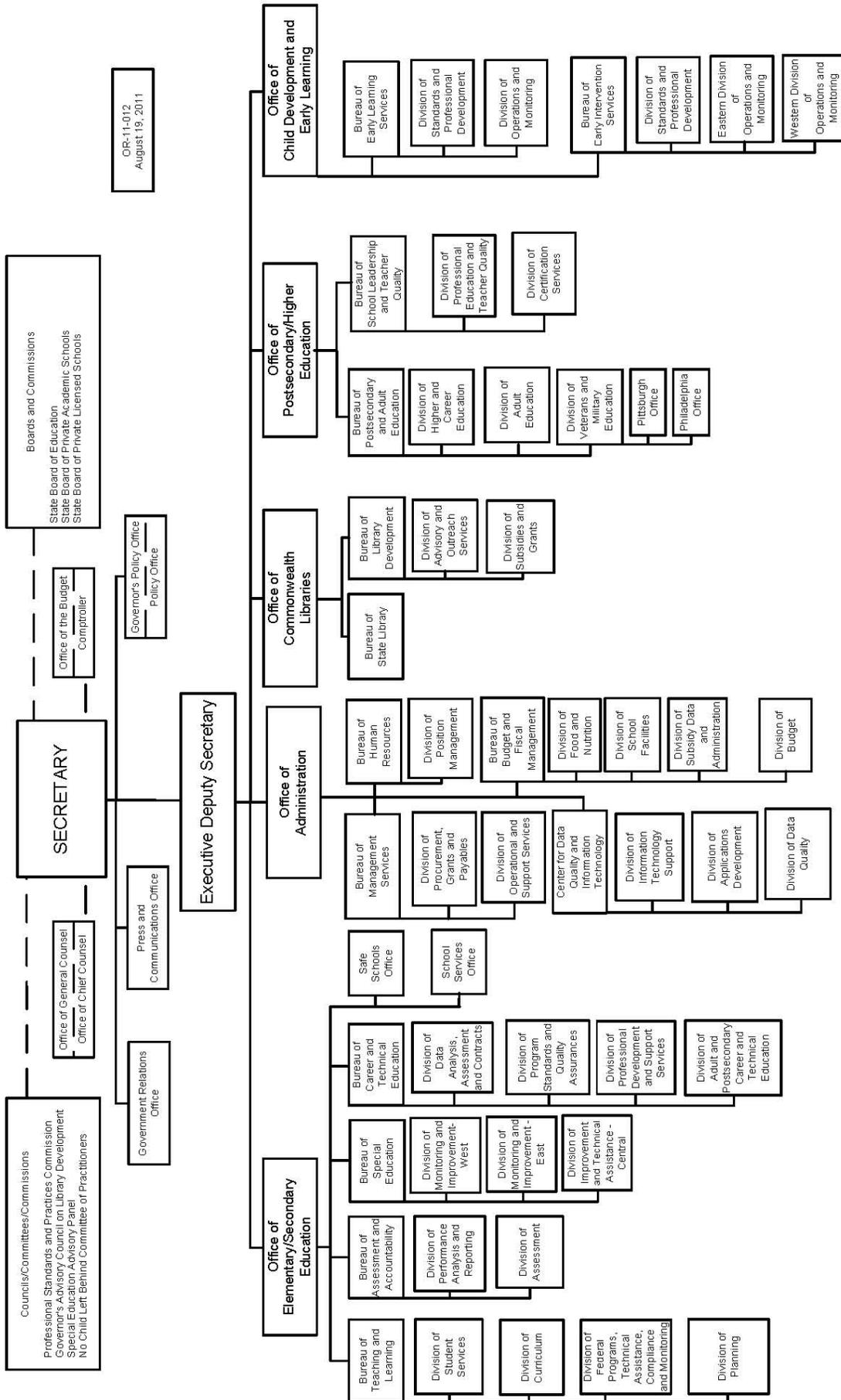
⁴As part of their overall functions, other bureaus and divisions within PDE also contribute to supporting gifted education. The Bureau of School Leadership and Teacher Quality, for example, is responsible for matters related to professional educator certification.

⁵ With the exception of Maryland, none of the other surrounding states have at least one full-time staff assigned by the state agency.

⁶ In 2011-12 and 2012-13, PDE expended over \$136,000 for such plan development and review, the cost of a coordinator and individual team expenses, and technical costs for video conferences.

Department of Education Organization Chart

DEPARTMENT OF EDUCATION



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In addition, the Bureau contracts for the services of a gifted education consultant through one of the state Intermediate Units to assist PDE in supporting a statewide gifted network. According to the PDE contract,⁷ the *Gifted Network* is intended to provide school districts and families of students who have been identified as gifted with support; offer professional development and gifted resources through improved publications and communication; assure that communications for parents and educators are accurate, understandable, and that consistent information is presented; and improve connections with compliance monitoring.

Members of the network, made up of the Gifted Liaison for each Intermediate Unit⁸ and a PDE representative, meet quarterly to review PDE documentation and discuss issues that relate to gifted education and to assist in disseminating such information to all school districts in the IU service area. Specifically, the PDE Intermediate Unit contract calls for the *Gifted Network* to review and update informational documents such as the Frequently Asked Questions on PDE's web site, and review and edit the Gifted Parent Guide and Notice of Parental Rights posted on PDE's website for gifted education.

In addition to attending Pennsylvania Intermediate Units (PAIU) Gifted Liaison Network meetings, Gifted Network Liaisons also:

- develop local gifted education networks to establish communication links between school districts, IUs, and PDE;
- assist in the development of materials for and participate in local, regional, and statewide gifted education trainings;
- work with other Gifted Liaisons to develop and conduct regional training;
- participate in train-the-trainer sessions;
- conduct professional development within districts; and
- attend at least one professional development training in gifted education per year.

In July 2013, PDE implemented the Classroom Teacher Effectiveness Evaluation System⁹ for professional employees holding instructional certificates. As part of this process, the Department developed an educator effectiveness model that

⁷ In 2012-13, PDE budgeted and expended \$36,000 for this contract.

⁸ During the course of our study, all but three of the 29 IUs had designated a Gifted Education liaison, and for the most part, such liaisons were IU employees. At least one IU has designated a school district's gifted teacher as its liaison. In a few instances, the IU designated liaison is a school district employee responsible for the district's overall gifted programming and IU staff assigned to work directly with gifted students in selected school districts.

⁹ Act 2012-82 required the Department of Education to develop a rating tool to measure the effectiveness of classroom teachers in consultation with education experts, parents, teachers and administrators.

incorporates attributes that are most critical to the way teachers, non-teaching professionals, and principals are evaluated. PDE adopted Charlotte Danielson's Framework for teaching as the model for this tool.

In order to address the varied roles, functions, and contexts that teachers face across the Commonwealth, the Department worked with committees of educators to develop general and specific examples of how the Teacher Effectiveness Tool could be used for evaluating teaching professionals with unique roles and functions. Examples are available on the SAS portal for 11 specialty areas including Early Childhood Teachers, Emotional Support Teachers, Reading Specialists, and Gifted Education Teachers. The Gifted Liaison Network was involved in developing a set of examples of how the Framework for Teaching could apply to Gifted Education Teachers.

PDE's SAS portal also provides important links to gifted education resources. In particular, it provides easy access to Chapter 16 regulations, PDE guidelines, various Basic Education Circulars, parent guides, and sample forms that a school district may use or modify consistent with the requirements of Chapter 16 regulations.¹⁰ These sample forms include:

- Permission to Evaluate – used by school districts to obtain written consent from a child's parent to conduct an initial evaluation.
- Permission to Reevaluate – used by school districts to notify and obtain parental consent for a reevaluation of a gifted student.
- Gifted Written Report (GWR) – a summary of the findings and an interpretation of a gifted student's assessment results in each academic area.
- Annotated GWR – showing the specific legal basis and provide guidance for each section of the GWR.
- Gifted Individualized Education Plan (GIEP) – a document describing the education to be provided to a gifted student.
- Invitation to Participate in GIEP Team Meeting – used by school districts to notify parents of the time and place of the GIEP meeting and invite the parent to participate.
- Notice of Recommended Assignment (NORA) – summarizes recommendations or proposed changes for a gifted student's education program and/or assignment.

¹⁰ Draft revisions of the several documents including Gifted Education Guidelines, Parent Handbook, Notice of Parental Rights, and the Frequently Asked Questions are available through the SAS portal. As of October 18, 2013, these documents were under review by PDE and had not been formally re-issued by the department.

Professional Development

In addition to local training available through Gifted Network liaisons, the department offers gifted education workshops for teachers, administrators, and school psychologists at the Pennsylvania Training and Technical Assistance Network's annual spring conference. Additional professional development sessions targeted to gifted education are periodically offered throughout the Commonwealth.

PDE plans to include a module on gifted education in the Pennsylvania Inspired Leadership Program (PIL). PIL is designed to provide required professional development for school leaders such as principals, assistant principals, superintendents, intermediate unit executive directors, and directors of vocational-technical schools. The PIL training is required for such professional staff in public school districts.¹¹

PDE has arranged for the National Institute for School Leadership (NISL) to revise some of the units in its executive development program for school principals to incorporate gifted education. These changes include:

- Unit 5: Leadership for Excellence in Literacy assists participants to be effective instructional leaders by enabling them to recognize the key elements of best practice in the field of literacy and provides them with sound criteria for judging whether the school has an effective literacy program and practice in using such criteria.
- Unit 6: Leadership for Excellence in Mathematics assists participants to recognize the key elements of best instructional practices in the field of mathematics, and provides them with criteria to determine if the school has an effective mathematics program and skills to be able to lead continuous improvements in it.
- Unit 7: Leadership for Excellence in Science assists participants to identify, implement, and support instructional activities for science education by using creative and innovative instructional leadership and distributed leadership principles.
- Unit 8: Promoting Professional Learning assists participants to lead a school-wide effort to continuously develop the professional knowledge and skill of the faculty.

Work on such NISL revisions had been delayed, awaiting the State Board of Education's final adoption of new regulations on Pennsylvania Core Standards and Keystone Exams. On September 12, 2013, the Board approved amendment to the regulations that govern state academic standards, standardized testing, and graduation requirements.

¹¹ 24 P.S. §12-1205.5 and §12-1217.

Monitoring

The Bureau of Special Education is responsible for monitoring for gifted services. Currently, it has one full-time professional staff member¹² with background in gifted education assigned to such activities.¹³

The Bureau has developed administrative procedures that staff follow when conducting monitoring activities. Such procedures include a schedule for periodic monitoring. Each year, 10 school districts of varying size from across the Commonwealth are randomly selected for an onsite monitoring review by PDE. Periodic monitoring of gifted education programs is intended to assist school districts in meeting their obligations that gifted students have access to quality gifted education services and programs.

Such monitoring procedures are intended to provide for evaluation of the effectiveness, accountability, and compliance of gifted education services and programs provided by the local education agencies. Initially, as part of the monitoring process, school districts are requested to complete a self-assessment.

The Facilitated Self-Assessment: The school district's self-assessment is prepared prior to the arrival on-site of the PDE monitor. It is intended to facilitate discussion between the school district and the monitor and to identify areas of potential non-compliance and area where improvement may be required.

The self-assessment instrument has four sections:

1. an administrative review (e.g., the district's strategic plan and policies);
2. a gifted education program review (e.g., screening and evaluation processes);
3. a review of administrative and instructional staff (e.g., in-service training and professional development documentation); and
4. a visitation review.

File Review: As part of the onsite visit, the PDE monitor reviews school district and student records to determine compliance with state requirements for a Gifted Written Report (GWR), Gifted Individualized Education Plan (GIEP), and placement and procedural safeguards. (See Finding C, Exhibit 1 for information on the GWR and GIEP.)

¹² The salary range for a PDE special education adviser is \$62,000 to \$88,200. After taking into account benefit costs, the average cost for one special education adviser is \$112,500 annually. In addition, PDE expends over \$20,000 annually for travel, peer costs, advisor expenses, and seminars for gifted monitoring. All such costs are supported entirely with state dollars as the federal government does not include gifted education as an allowed special education related expenditure.

¹³ This staff person is also responsible for addressing questions regarding specific gifted education regulatory procedures (e.g., the identification process, gifted individualized education plan process, or conflict resolution).

The PDE monitor reviews:

- The school district's strategic plan to ensure that it includes procedures for the education of all gifted students in the school district and a procedure for tracking reports of students, personnel, and program elements.
- The in-service training/professional development plan for gifted and regular education teachers, principals, administrators, and support staff responsible for gifted education as well as documentation of such in-service/professional development activities. (See Finding B for a discussion of State Board of Education regulations concerning professional development for gifted educators in public school districts.)
- The screening and evaluation process used by the school district to determine eligibility for gifted programs and services including compliance with annual public notice requirements.
- The policies and procedures related to placement of gifted students.
- The school district's policy on procedural safeguards related to gifted education.
- The individual files for 10 gifted students, randomly selected by the monitoring team.

Interviews: As part of the onsite visit, the PDE monitor also interviews school administrators, parents, students, and teachers to determine if the school district involves parents, students and educational professionals in the development of a GIEP. The monitor further uses the interview process to determine whether effective programs and services are being provided to the gifted students and verifies the information reported by the school district in the self-assessment.

Following the monitoring visit, the Bureau of Special Education prepares a report for the school district administration identifying any areas of non-compliance that require corrective action. This report is organized into four topical areas:

1. Policies and Procedures,
2. Evaluation and Reevaluation procedures,
3. Gifted Written Report, and
4. Gifted Individualized Education Plan.

The school district has the opportunity to respond to the monitoring findings and participate in the development of improvement and corrective action plans. Most corrective action strategies are designed by the school district working with the Bureau of Special Education (BSE). However, for certain types of findings such as the school district lacking a required specific policy, the BSE will prescribe the necessary corrective action. The BSE arranges a meeting to work with the school

district to develop a BSE approved plan to verify completion of non-compliance areas and improvements plans.

Monitoring Results: PDE provides the results of the monitoring visit to the school district in a report containing two sections. The first section includes an explanation of the review process and identifies the general findings resulting from the review, both positive and negative. The second section describes the corrective action process. An appendix includes more detail, identifying areas of noncompliance, corrective action required, and the results of interviews with staff and parents.

LB&FC staff reviewed the PDE monitoring reports for 52 school districts that underwent a monitoring review during the five years between 2008-09 and 2012-13. Of these 52 school districts, only 1 of the gifted programs was in compliance in all areas and did not require some type of corrective action plan.

As shown in Table 13, the PDE monitoring report found most school districts in compliance with gifted procedural safeguards over the five-year period. Over the same period, school districts were more frequently out of compliance regarding student record requirements.

The areas most often identified as out of compliance in the student records were related to the Notice of Recommended Assignment (NORA), which summarizes recommendations or proposed changes for a gifted student's education program and/or assignment. The school district is required to provide written notice to the parents of a gifted student when the school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student, or proposes or refuses to make any significant changes in the GIEP.¹⁴ Documentation of other options the GIEP team considered, reasons why those options were rejected, a description of evaluation procedures and assessments, and a description of other factors considered in the recommendation were the areas most often cited as out of compliance.

GIEP annual goals and objectives were another area of frequent non-compliance. This includes the identification of annual goals and short term learning outcomes as well as procedures to assess those outcomes and when reports on the student's progress will be provided to the parents.

¹⁴ 22 Pa. Code §16.61 regulations require that the notice sent to parents include a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action and a description of options the district considered and the reasons why those options were rejected. The notice must also include a description of each evaluation procedure used and a description of other factors relevant to the district's action.

Table 13

Compliance Monitoring Results

	2012-13		2011-12		2010-11		2009-10		2008-09	
	In	Out								
Strategic Plan & Policy	3	7	3	8	6	4	6	5	9	1
Personnel	6	4	7	4	5	5	8	3	8	2
Special Ed/Dual Exceptionalities	3	7	5	6	6	4	8	3	9	1
Screening & Evaluation Process	5	5	4	7	7	3	5	6	2	8
Gifted Education Placement	6	4	3	8	6	4	4	7	0	10
Gifted Procedural Safeguards	9	1	9	2	10	0	11	0	10	0
Student Record Review	0	10	0	11	0	10	1	10	0	10

Source: Developed by LB&FC staff from PDE Bureau of Special Education, monitoring reports.

Complaint Investigation

In addition to the formal safeguards of mediation and impartial due process hearings available to the parents of gifted students, PDE's Bureau of Special Education provides assistance in resolving complaints related to Chapter 16 requirements for gifted education.

PDE received 11 formal complaints regarding gifted education in 2012. Table 14 shows the number of gifted education related formal complaints received by the Department in recent years. As shown in Table 14, there were 58 complaints in 2008-09. In more recent years, the number of formal complaints has declined markedly.

Table 14

Gifted Complaint Summary
 (2008-09 Through 2011-12)

	<u>Complaints Filed</u>	<u>Complaints Resolved</u>
2008-09	58	58
2009-10	5	5
2010-11	3	3
2011-12	4	4

Source: PDE Bureau of Special Education.

In 2008-09, the most common subject of a gifted complaint was the lack of a gifted program and issues related to gifted evaluations and reevaluations. More recently, most complaints were related to implementation of a GIEP and the timeliness of gifted evaluations. In 2011-12, all four of the complaints were related to GIEP implementation.

Approval of Experimental Programs for Gifted Students

The Bureau of Special Education is also involved in the review of applications from school districts for approval of experimental programs that meet certain unique programmatic needs of gifted students. The application for such experimental programs must:

1. Include provision for the involvement of parents, administrators, and professionals in the design and ongoing review of performance.
2. Include provisions for annually evaluating the program as to whether it benefits student achievement.
3. Demonstrate that it has met the following criteria:
 - a. A definition of the need that exists which necessitates an experimental program.
 - b. Data to support the existence of the need.
 - c. A description of the program, including the nature of the program, specific goals and objectives to be reached, role and function of personnel involved, and timelines for development, implementation, and evaluation.

An approved experimental program exempts the school district from some of the requirements for gifted programs. When an experimental program has been approved for 3 consecutive years and has resulted in improved student achievement the annual application is not needed for the program to continue to operate, according to existing state regulations.¹⁵

Three school districts have applied for approval of their experimental programs, and two have been approved by PDE (State College School District and Keystone Central School District). Both school districts have had their experimental gifted programs approved for at least three consecutive years. One school district with such a waiver provides annual reports with performance measures to assess the results over time of its experimental program. Such measures include:

- The number of students by grade level that participate in enrichment activities to broaden the experiences of all students in a school, enrichment activities designed to sharpen students' learning and thinking processes and problem solving and research skills, and enrichment activities where the student investigates a real problem or topic using appropriate methods of inquiry.
- The number of college applications and number of colleges to which students apply and the extent to which such applications have increased over time, including applications to college honor programs.

¹⁵ 22 Pa. Code §16.3(b).

- The number of students with high SAT scores.
- Comparison of AP exam scores for the districts, the state, and the nation.
- Comparison of district scores on state tests with overall state results.
- Number of students involved in out-of-grade placement and subject skipping by grade level.

III. Appendices

APPENDIX A

PRIOR PRINTER'S NO. 966

PRINTER'S NO. 1243

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 139

Session of
2013

INTRODUCED BY AUMENT, ROEBUCK, COHEN, V. BROWN, CAUSER, PICKETT,
MILLARD, D. COSTA, CUTLER, WATSON, GRELL, CALTAGIRONE,
PEIFER, QUINN, ROCK, KORTZ, DENLINGER AND GROVE,
MARCH 11, 2013

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 20, 2013

A RESOLUTION

Directing the Legislative Budget and Finance Committee to
conduct a study of the status of special education for gifted
students in this Commonwealth.

WHEREAS, Section 1372 of the act of March 10, 1949 (P.L.30,
No.14), known as the Public School Code of 1949, required the
State Board of Education to adopt and prescribe standards and
regulations for the proper education and training of all
exceptional children, including children who are gifted; and

WHEREAS, Chapter 16 of the Regulations of the State Board of
Education specifies how this Commonwealth will meet its
obligations to suspected and identified gifted students who
require gifted education to reach their potential, and provides
that it is the intent of the State Board of Education that
gifted students be provided with quality gifted education
services and programs; and

WHEREAS, Chapter 16 of the Regulations of the State Board of
Education further provides that the Commonwealth delegates
operational responsibility for the provision of gifted education
to its school districts, and requires each school district to
provide the following:

- (1) services and programs planned, developed and
operated for the identification and evaluation of each gifted
student;

Appendix A (Continue)

(2) gifted education for each gifted student which is based on the unique needs of the student, not solely on the student's classification; and

(3) gifted education for gifted students which enables them to participate in acceleration or enrichment programs, or both, as appropriate, and to receive services according to their intellectual abilities and needs;

and

WHEREAS, Approximately 75,000 of Pennsylvania's students are identified as gifted; therefore be it

RESOLVED, That the House of Representatives direct the Legislative Budget and Finance Committee, IN CONSULTATION WITH STAKEHOLDERS, EXPERTS AND PARENTS OF GIFTED STUDENTS, to conduct a comprehensive study of the status of special education for gifted students in this Commonwealth; and be it further

RESOLVED, That the Legislative Budget and Finance Committee identify all programs and services provided to gifted students pursuant to Chapter 16 of the Regulations of the State Board of Education, including, but not limited to, the following:

(1) a description and assessment of the process by which students are identified as gifted;

(2) a description and assessment of the process through which gifted individualized education plans are developed and implemented;

(3) a description of the programs and services provided to gifted students;

(4) a description of the entities that provide programs and services to gifted students;

(5) the State and local costs of providing programs and services to gifted students;

(6) a demographic breakdown of the students who benefit from programs and services provided to gifted students; and

(7) recommendations for changes to law, regulation or policy that may be needed to improve special education for gifted children in this Commonwealth;

and be it further

RESOLVED, That the Legislative Budget and Finance Committee prepare a report of its findings and transmit copies of the report to the Education Committee of the House of Representatives no later than six months after adoption of this resolution.

APPENDIX B

LB&FC Survey on SurveyMonkey Distributed by the Department of Education and the Pennsylvania Association for Gifted Education

Pennsylvania Department of Education
Office of Executive Deputy Secretary
August 7, 2013
PENN*LINK

To: Superintendents
Special Education Coordinators
Charter CEOs
Cyber CEOs

From: Carolyn Dumaresq
Executive Deputy Secretary

Subject: Gifted Students Served in Pennsylvania Public Schools through an Online Survey

As part of the study called for by House Resolution 139 (HR139), the Pennsylvania Legislative Budget and Finance Committee is attempting to gain input from parents of gifted students currently served in Pennsylvania public schools through an online survey. Results from the study and this survey will inform a report scheduled for dissemination in November 2013 to the Pennsylvania House of Representatives Education Committee.

The Pennsylvania Department of Education is asking superintendents, supervisors/coordinators for gifted education, and gifted support teachers to share this survey with parents. Please forward the information describing how to access the voluntary survey to any of your parents who currently (or within the last year) have a student receiving specially designed instruction through gifted education services.

To access the survey:

<https://www.surveymonkey.com/s/LBFCSurveyForParentsofGiftedStudents>

The survey will only be available for completion through Sept. 5, 2013. If anyone should encounter difficulty in accessing the link prior to Sept. 5, 2013, they should contact Terry Beam in the Pennsylvania Legislative Budget and Finance Office at tbeam@palbfc.us.

Thank you in advance for your timely response to this request.

Appendix B (Continued)



HR 139 Survey For Parents of Gifted Children -URGENT!



Dear Parents and Friends of Gifted Education in PA:

Thanks to our combined advocacy efforts, in May 2013 the PA House of Representatives voted unanimously to authorize the Legislative Budget and Finance Committee (LBFC) to study Gifted Education in Pennsylvania (HR 139);

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sind=0&year=2013&body=H&type=R&bn=139>). Part of that information-gathering process includes surveying parents of gifted learners currently enrolled in PA's public school districts, because only public schools are required, by law, to follow Chapter 16.

PAGE wants the HR 139 study to include as many parent voices from across the state as possible. Therefore, it is **EXTREMELY IMPORTANT** that parents of gifted children in Pennsylvania complete the LBFC's brief survey by **September 3rd!**

The link to the confidential survey

is: <https://www.surveymonkey.com/s/LBFCSurveyForParentsofGiftedStudents>,

[If anyone should encounter difficulty in accessing the link, please contact Terry Beam at tbeam@palbfc.us.]

In order to obtain the largest and most representative sampling of student experiences and parental insights, we request that **everyone** --parents, educators, students, stakeholders-- share this survey link with as many people as possible. Your assistance in spreading the word to parents across the state is essential.

Thank you!

Appendix B (Continued)

Pennsylvania Legislative Budget and Finance Committee

Study conducted pursuant to House Resolution 2013-139

Questionnaire for Parents of Gifted Children

The identity of individuals responding to this questionnaire will remain confidential.

Thank you for your assistance and cooperation with this study.

1. How many gifted school-age children are currently in your household and attending a Pennsylvania public school district?

- 1
- 2
- 3
- more than 3

2. If you know, how many students in total are enrolled at your gifted child's school district?

- Fewer than 500
- Between 500 and 3,000
- Between 3,000 and 10,000
- More than 10,000

3. Where in the state is your school district located?

- Northeast
- Northwest
- North Central
- Southeast
- Southwest
- South Central

4. Are your gifted school-age children enrolled in elementary, middle, or high school?

- Elementary School (Grades 1-5)
- Middle School (Grades 6-8)
- High School (Grades 9-12)

5. Do all of your gifted children have a gifted individualized education plan (GIEP)?

- Yes
- No

Appendix B (Continued)

Answer Questions 6 and 7 below only if you have a gifted child enrolled in elementary school. If you have a gifted child enrolled in middle school, please proceed to answer questions 8 and 9. If you have a gifted child enrolled in high school, please proceed to answer questions 10 and 11.

Status of Elementary Gifted Services:

6. If your gifted school-age child is enrolled in elementary school, how are most services delivered?

- Part-time pull-out classes
- In-class differentiation in general classrooms with no clustering of gifted students
- Cluster grouping of gifted students in general education classrooms with in-class differentiation
- Special classes of homogeneously grouped gifted students within a regular school setting
- A full-time school for gifted students
- After-school learning opportunities
- Distance learning or online opportunities
- Acceleration by grade
- Acceleration by content area

Other (please specify)

7. What is the approximate total amount of time your gifted elementary student is provided services per week in question 6 above?

- Less than an hour per week
- One to four hours per week
- One day per week
- All of their time

Other (please specify)

Appendix B (Continued)

Status of Middle School Gifted Services:

8. If your gifted school-age child is enrolled in middle school, what is the way in which most services are delivered?

- In-class differentiation in general classrooms with no clustering of gifted students
- Cluster grouping of gifted students in general education classrooms with in-class differentiation
- Ability grouping (e.g., students placed in advanced classes such as honors classes)
- Acceleration by grade
- Acceleration by content area
- Special classes of homogeneously grouped students within a regular school setting
- Special academic curricular programs such as the International Baccalaureate (IB) Middle Years Program or Pre-Advanced Placement (Pre-AP)
- A full-time school for gifted students
- After-school learning opportunities
- Distance learning or online opportunities

Other (please specify)

9. What is the approximate total amount of time your gifted school-age child enrolled in middle school is provided services per week in question 8 above?

- Less than an hour per week
- One to four hours per week
- One day per week
- All of their time

Other (please specify)

Appendix B (Continued)

Status of High School Gifted Services

10. If your gifted school-age child is enrolled in high school, what are the ways in which most services are delivered?

- In-class differentiation in general classrooms with no clustering of gifted students
- Cluster grouping of gifted students in general education classrooms with in-class differentiation
- Ability grouping (e.g., students placed in advanced classes such as honors classes)
- Advanced Placement (AP)
- Dual enrollment (in college or university)
- International Baccalaureate (IB)
- Special classes of homogeneously grouped students within a regular school setting (e.g., Calculus)
- A full-time school for gifted students (e.g., magnet school or regional math and science academy)
- After-school learning opportunities
- Distance learning or online opportunities

Other (please specify)

11. What is the approximate total amount of time your gifted school-age child enrolled in high school is provided services per week in question 10 above?

- Less than an hour per week
- One to four hours per week
- One day per week
- All of their time

Other (please specify)

Appendix B (Continued)

Comments/Suggestions

12. Are you satisfied with the gifted education services your child is receiving?

- Yes
 No
 No Opinion

If no, please explain why.

13. Do you have any other comments you would like to make regarding gifted education in Pennsylvania?

14. Name:

15. Email:

16. Telephone:

The identity of individuals responding to this questionnaire will remain confidential.
Thank you for your assistance and cooperation with this study.

APPENDIX C

Types of Instructional Certificates in Pennsylvania

Instructional Certificates

The Instructional Certificate is issued to a person whose primary responsibility shall be direct contact with learners in teaching-learning situations.

Grade Level	Subject
K-12	Agriculture
K-12	Art Education
K-12	Business, Computer and Information Technology
7-12	Citizenship Education
7-12	Communication
7-12	Cooperative Education
7-12	English
K-12	Environmental Education
K-12	Family and Consumer Science
K-12	Foreign/World Language (See Certification Subject Area code list above for all languages offered)
PK-4	Grades Pre-Kindergarten (PK) - 4
4-8	Grades 4 - 8
K-12	Health Education
K-12	Health and Physical Education
K-12	Library Science
K-12	Marketing (Distributive) Education
7-12	Mathematics
K-12	Marketing (Distributive) Education
7-12	Mathematics
K-12	Music Education
K-12	Reading Specialist
7-12	Safety/Driver Education
7-12	Science - Biology
7-12	Science - Chemistry
7-12	Science - Earth and Space
7-12	Science - General Science
7-12	Science - Physics
7-12	Social Sciences
7-12	Social Studies
PK-8	Special Education PK-8 (<u>content area certificate</u> required for issuance) ^a
7-12	Special Education 7-12 (<u>content area certificate</u> required for issuance)
N-12	Special Education - Hearing Impaired
N-12	Special Education - Speech/Language Impaired
N-12	Special Education - Visually Impaired
K-12	Technology Education

^a Special Education PD-8 and 7-12 applicants are required to hold an appropriate PA Instructional content certificate such as Early Childhood N-3, Elementary K-6, Grade PreK-4, Grade 4-8, Reading Specialist K-12, or secondary 7-12 area.

Source: Pennsylvania Department of Education website.