MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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TO: Members of the Maryland State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: October 25, 2011

SUBJECT: Proposed COMAR 13A.04.07 Gifted and Talented Education
PERMSSION TO PUBLISH

PURPOSE:

The purpose of this item is to propose new regulations for Gifted and Talented Education that are aligned with the Maryland Annotated Code's definition of gifted and talented students and the *Bridge to Excellence* legislation which identifies gifted and talented students as a specific student group in the Master Plan.

BACKGROUND/HISTORICAL PERSPECTIVE:

Our current reform plan as described in our *Race to the Top* application calls for dramatic shifts in instructional delivery to meet the needs of all students, including students with disabilities, English Language Learners, and gifted and talented students. Our focus is no longer on proficiency, but on expanding the percentages of students that score at advanced levels.

The *Bridge to Excellence* legislation recognizes gifted and talented students as a specific student group and requires that school systems report in their Master Plans, "goals, objectives and strategies regarding the performance of gifted and talented students" as defined in the Maryland Annotated Code.

The current lack of gifted and talented education program regulations is both an equity and a compliance issue. The gifted and talented student population is the only specific student group in *Bridge to Excellence* that does not have program regulations to guide local school systems in developing and implementing effective programs.

The process to develop these regulations began in 2006 and has proceeded slowly and carefully in order to design minimum standards that are achievable for all school districts. Many districts now meet or exceed the minimum standards. The process has included feedback from multiple stakeholder groups including Superintendents, Assistant Superintendents, and the Maryland State Advisory Council for Gifted and Talented Education.

EXECUTIVE SUMMARY:

The proposed COMAR for Gifted and Talented Education provides the minimum standards necessary to design and implement effective programs and services to support this special population. The regulation is flexible and does not dictate details. The COMAR is modeled on national standards applied to the specific context in Maryland. Reporting continues to be through the established Master Plan process. The regulation is aligned with *COMAR 13A.12.03.12 Gifted and Talented Education Specialist* certification, which was adopted by the Board in 2009.

ACTION:

Grant permission to publish COMAR 13A.04.07 Gifted and Talented Education.

BJS/jp

Attachment: Proposed COMAR 13A.04.07 Gifted and Talented Education.

Title 13A
STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 13A.04.07 Gifted and Talented Education

Authority: Education Article, § 5 – 401(d), and §§ 8-201 – 203, Annotated Code of Maryland

.01 Purpose

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

.02 Identification of Gifted and Talented Students

A. Each local school system shall establish a process for identifying gifted and talented students as they are defined in the Educational Article §8-201;

B. The identification pool for gifted and talented students shall encompass all students;

C. The identification process shall use multiple indicators of potential, aptitude, and achievement;

D. The identification process shall be used to identify students for participation in the programs and services described in § .03 of this regulation; and

E. Each school system shall review the effectiveness of its identification process.

F. Each school system shall consider implementing an identification process that:

(1) Documents early evidence of advanced learning behaviors, PreK-2;
(2) Includes procedures for identification and a process for appeals that are clearly stated in writing, made public, and consistently implemented systemwide; and,
(3) Provides ongoing professional development for school staff in the characteristics and needs of gifted and talented students.

.03 Programs and Services

A. Each school system shall provide different services beyond those normally provided by the regular school program in order to develop the gifted and talented student's potential. Appropriately differentiated programs and services shall accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning.

B. Each school system shall review the effectiveness of its programs and services.

C. Each school system shall consider implementing programs and services for gifted and talented students that:

(1) Provide a continuum of appropriately differentiated academic programs and services in grades PreK-12 during the regular school day for identified gifted and talented students.

(2) Provide programs and services to support the social and emotional growth of gifted and talented students.

(3) Provide programs and services to inform and involve parents/guardians of gifted and talented students.

.04. Professional Development

A. Teachers and other personnel assigned specifically to work with students who have been identified as gifted and talented shall engage in professional development aligned with the competencies specified by the Gifted and Talented Education Specialist certification §13A.12.03.12.

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

.05. State Advisory Council

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

.06. Reporting Requirements

Local school systems shall in accordance with Education Article §5-401 (c) report in their Bridge to Excellence Master Plans their goals, objectives, and strategies regarding the performance of gifted and talented students along with timelines for implementation and methods for measuring progress.

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

X **The proposed action has no economic impact.**

or

☐ The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

II. Types of Economic Impacts.

Revenue (R+/R-)
Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
(check one option)

Economic Impact on Small Businesses

X **The proposed action has minimal or no economic impact on small businesses.**

or

❑ The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

The proposed action has no impact on individuals with disabilities.

or

X The proposed action has an impact on individuals with disabilities as follows:

The proposed regulation requires local school systems to include individuals with disabilities in the identification pool for gifted and talented students (§.02 D)

Part C
(For legislative use only; not for publication.)

A. Fiscal Year in which regulations will become effective: **FY 12**

B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

❑ Yes **X No**

C. If " €└F yes, state whether general, special (exact name), or federal funds will be used:

D. If " €└F no, identify the source(s) of funds necessary for implementation of these regulations:

Gifted and talented education programs are funded locally. School systems may also designate, within funding guidelines, State funding from *Bridge to Excellence, Race to the Top* or STEM grants to support programs that serve gifted and talented students. Federal funds through may also be used within federal guidelines to support programs that serve gifted students or to provide professional development to teachers.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

All requirements of this regulation can be met using existing local, state, and federal resources. The 2002 Report of the *Commission on Education, Finance, Equity, and Excellence* explicitly stated that funding for gifted and talented students is embedded in the foundation amount proposed by the Commission (p.58).

If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Regulation only impacts public school education programs.

Comparison to Federal Standards
(Check one option)

X There is no corresponding federal standard to this proposed regulation.

or

❑ There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

❑ In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

(2) Benefit to the public health, safety or welfare, or the environment:

(3) Analysis of additional burden or cost on the regulated person:

(4) Justification for the need for more restrictive standards: