MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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Interim State Superintendent of Schools

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TO: Members of the Maryland State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: February 28, 2012

SUBJECT: COMAR 13A.04.07 Gifted and Talented Education
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of COMAR 13A.04.07 Gifted and Talented Education

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 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. This lack of guidance may impact the capacity of school systems to identify a diverse group of gifted and talented students and to deliver the quality of services these students need to achieve.

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. Most 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 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 COMAR supports the identification of a diverse gifted and talented student body, specifying that the identification pool shall encompasses all students (§ .02 A.) and use multiple indicators of potential and achievement (§ .02 B.). In addition, the COMAR supports school systems in achieving the equitable representation of gifted and talented low-income students, English Language Learners, and students with special needs by recommending early talent development for all students in order to obtain "documentation of early evidence of advanced learning behaviors, PreK-2" (§ .02 F(1).[i]

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.

In December, the Board granted permission to publish the regulation for Gifted and Talented Education in the Maryland Register, Attachment I. The 30-day open comment period has ended. Attachment II summarizes the 197 public comments which are overwhelmingly supportive of the regulation, (94%, n=185). The favorable comments represent geographical diversity and a wide range of educational organizations, including the Maryland PTA and four universities. The comments against the regulation (6%, n=12) represent one county and one educational organization.

ACTION:

I am requesting adoption COMAR 13A.04.07 Gifted and Talented Education.

Attachments

[i] School systems may nurture advanced learning behaviors in all students by implementing the MSDE *Primary Talent Development Early Learning Program PreK-2,* a critical and creative thinking skills curriculum. Twelve school systems in Maryland currently use this program. Three school systems have developed and use similar models.

Title 13A
STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.07 Gifted and Talented Education

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

Notice of Proposed Action

[11-367-P]

The Maryland State Board of Education proposes to adopt new Regulations **.01—.06** under a new chapter, **COMAR 13A.04.07 Gifted and Talented Education**. This action was considered at the Maryland State Board of Education meeting on October 25, 2011.

Statement of Purpose

The purpose of this action 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.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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.

Opportunity for Public Comment

Comments may be sent to Susan Spinnato, Director of Instructional Programs, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 TTY: 410-333-6442, or email to sspinnato@msde.state.md.us, or fax to 410-333-1146. Comments will be accepted through January 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on February 28—29, 2012, at 200 West Baltimore Street, Baltimore, Maryland 21201.

.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 Education Article, §8-201, Annotated Code of Maryland.

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 Regulation .03 of this chapter.

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 in COMAR 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 COMAR 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), Annotated Code of Maryland, 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.

BERNARD J. SADUSKY, ED.D.
Interim State Superintendent of Schools

Subtitle 12 CERTIFICATION

Notice of Proposed Action

[11-368-P]

The Professional Standards and Teacher Education Board proposes to:

(1) Amend Regulation .03 under **COMAR 13A.12.01 General Provisions**; and

(2) Amend Regulations .02 and .03 under **COMAR 13A.12.05 Suspensions and Revocations.**

This action was considered at the Professional Standards and Teacher Education Board on August 4, 2011.

Statement of Purpose

The purpose of this action is to revise existing regulations to incorporate failure to pay child support as one of the causes for denial of a certificate or disciplinary action.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 TTY: 410-333-6442, or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through January 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on February 2, 2012 at 9:00 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705[,]; *Family Law Article, §10-119.3;* Annotated Code of Maryland

.03 Personnel.

A.—C. (text unchanged)

D. Personnel Not Eligible.

(1)—(3) (text unchanged)

(4) An individual whose failure to pay child support meets the criteria for denial of a professional license pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland, following notification by the Department of Human Resources, Child Support Enforcement Administration, is ineligible for a certificate.

(a) Prior to denial of a certificate, the State Superintendent shall send written notice to the individual, including the right to contest the identity of the individual whose certificate shall be denied.

(b) An individual may appeal the decision to deny a certificate based on failure to pay child support in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. At the appeal hearing, the issue shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was denied.

(c) The State Superintendent shall immediately process an application for a certificate if notified by the Department of Human Resources, Child Support Enforcement Administration, that the individual is eligible for a professional license and the individual otherwise qualifies for a certificate.

13A.12.05 Suspensions and Revocations

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705[,]; *Family Law Article, §10-119.3;* Annotated Code of Maryland

.02 Causes.

A. (text unchanged)

B. Suspension Only. A certificate may be suspended *by the State Superintendent of Schools under the following conditions.*

(1) Breach of Contract. A certificate may be suspended for not more than 365 days if the certificate holder leaves the employment of a local school system after July 15 without the consent of the local board of education, which may not be unreasonably withheld, and contrary to the provisions of the Regular State Teacher's Contract set forth in COMAR 13A.07.02.01B.

(2) Failure to Pay Child Support. A certificate shall be suspended upon notification by the Department of Human Resources, Child Support Enforcement Administration, that the certificate holder's failure to pay child support meets the criteria for suspension of a professional license pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland.

(i) Prior to suspending the certificate, the State Superintendent shall send written notice to the certificate holder of the proposed suspension and the right to contest the identity of the individual whose certificate shall be suspended.

(ii) An individual may appeal the decision to suspend a certificate based on failure to pay child support in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. At the appeal hearing, the issue shall be limited to whether the Department of Human Resources, Child Support Enforcement Administration, has mistaken the identity of the individual whose certificate was suspended.

(iii) The State Superintendent shall immediately reinstate any certificate suspended for failure to pay child support if notified by the Department of Human Resources, Child Support Enforcement Administration, that the certificate should be reinstated and the individual otherwise qualifies for the certificate.

C.—D. (text unchanged)

.03 Reporting Procedures.

A. [The] *Except as provided in Regulation .02B(2) of this chapter, the* following individuals shall notify the State Superintendent of Schools in writing of charges against a certificate holder pursuant to Regulation .02 of this chapter:

(1)—(3) (text unchanged)