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IRRC
333 Market Street
Harrisburg, PA 17126-0333
RE: Chapter 16 Review

INDEPENDENT REGULATORY
REVIEW COMMISSION

Raymond F. Givler
498 N. 25th St.
Camp Hill, PA 17011

I write to you on behalf of the 71,000+ gifted children in Pennsylvania, the largest defined subset of special education. I write with a historical perspective as a former gifted student in Central Dauphin School District, and as a parent of a profoundly gifted four-year-old girl. The status of the proposed Chapter 16 is as follows:

Many requests made in oral and written comments to the Pennsylvania State Board of Education (BoE) have not been included in the regulations. The will of the public is not being recognized, and the BoE is apparently in denial regarding the widespread rebellion against Chapter 16 that is taking place across the state. I hope that the IRRC both recommends the needed improvements and encourages the legislature to pass those improvements as independent legislation because I have little faith that the BoE will integrate the IRRC's recommendations, if history is any indicator.

As a Christian, I am saddened by the seeming lack of concern in the leadership of state government regarding the well being of gifted students. Research shows that failure to instruct these children at the level and pace of their ability causes real psychological harm. I am praying that someone at the IRRC or the General Assembly has the courage to help these children.

I am appalled that school districts can knowingly fail to comply with Chapter 16 with impunity. Compliance *monitoring* will never result in compliance *with the regulations* until two criteria are met: 1) naming the individual(s) responsible for implementing Chapter 16 within each district, and 2) defining the repercussions on the individuals and/or district. Without these criteria, any verbiage regarding compliance is a farce.

In the name of my Lord and Savior Jesus Christ, I ask that you do everything in your power to end the harm that is occurring to gifted children due to the inadequacies of Chapter 16 and its enforcement.

Sincerely,



Raymond F. Givler

Suggested Chapter 16 Revisions

Below I reference various sections of Chapter 16 in numeric order. For each section, I provide current text where applicable, followed by proposed text, resulting definitions, and rationale. Paragraph letters and numbers are also provided to clarify specific locations of new language. You will see that I provide research references for most of my points. Because the State Board is supposed to promote research-based solutions to education, I would hope that you require supporting research for any language they provide that is contrary to mine.

§ 16.2. Purpose.(d).(3) - Stronger language for acceleration.

Current text:

(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 and academic abilities and needs.

Proposed text:

(3) Gifted education for gifted students which enables them to participate in acceleration according to their individual intellectual and academic abilities.

(4) Gifted education for gifted students which enables them to participate in enrichment according to their individual intellectual and academic abilities. Pull-out programs without a direct connection to the curriculum and individualization on a per-student basis do not constitute enrichment.

(5) Gifted services, including but not limited to: counseling for gifted students and parents, and facilitating the students' participation in talent searches.

Resulting definitions:

acceleration -- an increased rate of learning that includes, but is not limited to:

- Early Admission to Kindergarten
- Early Admission to First Grade
- Grade-Skipping
- Continuous Progress
- Self-Paced Instruction
- Subject-Matter Acceleration
- Combined Classes (across grades)
- Curriculum Compacting
- Telescoping Curriculum
- Mentoring
- Extracurricular Programs
- Correspondence Courses
- Early Graduation
- Concurrent/Dual Enrollment
- Advanced Placement

- Credit by Examination
- Acceleration in College
- Early Entrance to Middle School, High School, or College¹

enrichment -- a modified curriculum in the core academic subjects providing greater depth and breadth than standard.

talent searches -- regional or national programs, often run by universities, offering advanced academic experiences to gifted learners.

pull-out programs -- programs in which students are pulled out of regular education on a scheduled basis to participate in enrichment. If a pull-out program does not consist of core academic subjects, it does not constitute gifted education.

Rationale:

The 'or' between 'acceleration' and 'enrichment' allows districts to believe that they can choose not to offer acceleration. The University of Iowa recently performed a meta-analysis on acceleration; its report is entitled *A Nation Deceived* (referenced in detail later). Its number one point is, "1. Acceleration is the most effective curriculum intervention for gifted children." It's also the cheapest and has the best social outcomes. With that in mind, the language must be made stronger so that the most effective solution (acceleration) is not discarded for one with lesser effect (enrichment²). What schools call 'enrichment' does not meet the true definition of enrichment, but rather boils down to nothing more than a 'smart kids club' (pull-out program) that meets once per week.

Separating the current text into multiple sentences solves the either/or interpretation problem.

I encourage you to reflect upon your reaction if you learned that a perfectly capable fifth grader was being instructed at a kindergarten level of phonics. To avoid being hypocritical, you must be equally appalled upon hearing of a kindergartener who is capable of fifth grade reading, but who is being instructed at a kindergarten level. Such a child needs to be accelerated in some form.

Please consider that Ohio has embraced *A Nation Deceived* in its 2006-2007 model acceleration policy, which mandates the options of whole grade acceleration, subject acceleration, early admission to kindergarten, and early high school graduation. Currently, many districts in Pennsylvania don't offer these options, and they clearly won't without a state mandate. If we want to meet the learning needs of our gifted

¹ The list of acceleration forms comes from *A Nation Deceived: How Schools Hold Back America's Brightest Students*. Colangelo, Assouline, and Gross. 2004. The Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development, The University of Iowa, Iowa City, Iowa. <http://nationdeceived.org/> This report is available for free both electronically and as hardcopy.

² James A. Kulik, "An Analysis of the Research on Ability Grouping: Historical and Contemporary Perspectives," Research-Based Decision Making Series (Storrs: National Research Center on the Gifted and Talented, University of Connecticut, 1992), pp. vii-viii.

students, and provide them an equal chance for admission into competitive universities, the choice of action is clear.³

Regarding pull-out programs, nationally 70% of elementary schools offer pull-outs for gifted students that do not even address core academic subjects.⁴ Please consider that this means these pull-outs meet neither the definition of acceleration nor enrichment. "Most pull-out programs provide little beyond a creative outlet – and since districts that offer such programs claim they are helping gifted children when they aren't, they are often worse than no programs at all."⁵ Gifted children do not need to play with Lego blocks at school, or build Popsicle stick bridges, or study ESP; they need acceleration, less repetition, and more depth in the core subjects of English, math, and science. Research indicates that non-curricular pull-out programs for gifted students basically provide no educational benefit.⁶ So please make clear in Chapter 16 that such programs are unacceptable.

§ 16.5. Personnel. (d), (e) Teacher Certification – new paragraphs.

Proposed text:

(d) Any teacher or support staff instructing a classroom of students composed entirely of gifted students shall be required to have earned a 12-credit Gifted Program Endorsement Certificate.

(e) Any teacher or support staff instructing a classroom of students composed in part by gifted students shall be required to have completed at least 3 college credits of gifted education (pre-service) or 32 hours of training (in-service).

Rationale:

A rampant problem of gifted coordinators (4 out of the 6 that I'm aware of) is that they are hired right out of college and have absolutely no training or knowledge in gifted education. For the time being, Chapter 16 can take advantage of Act 49, until a full gifted certification analogous to special education is available.

Unfortunately, Pennsylvania is trailing other states on this issue. According to the National Association of Gifted Children (NAGC)'s *State of The Nation* report, 23 states already require such a certificate or endorsement. States like Idaho are bold enough to specify the course requirements as seen below:⁷

Gifted and Talented K-12 Endorsement Standards (Idaho)

As of July 1, 1999, the following course work will be required to obtain the Gifted and

³ <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=964&Content=19931> or google 'ohio model acceleration policy'

⁴ "Part II: The Current Status of Education for the Nation's Most Talented Students," in *National Excellence: A Case for Developing America's Talent*. Washington, DC: U.S. Department of Education, 1993.

<http://www.ed.gov/pubs/DevTalent/part2.html>

⁵ *Genius Denied: How To Stop Wasting Our Brightest Minds*. Jan and Bob Davidson with Laura Vanderkam. (Simon & Schuster Paperbacks, New York, NY, 2004) p. 47.

⁶ "The Death of Giftedness" in James Borland, ed., *Rethinking Gifted Education* (New York: Teachers College Press, 2003)

⁷ <http://www.sde.state.id.us/GiftedTalented/mandate.asp>

Talented endorsement. The endorsement will be required after July 1, 2004.

Twenty (20) semester credit hours to include a REQUIRED three (3) semester credit hours in EACH of the following: - Foundations of Gifted and Talented Education
- Creative and Critical Thinking Skills for Gifted and Talented Students
- Social and Emotional Needs of Gifted and Talented Students
- Curriculum and Instruction for Gifted and Talented Education
- Practicum and Program Design for Gifted and Talented Education (5 semester credit hours shall be "electives")

Also, according to NAGC, gifted instruction is frequently delivered by regular classroom teachers. "However, only one state, Washington, required regular classroom teachers to have coursework in gifted and talented education despite the fact that these teachers are most often relied upon to meet the diverse educational needs of our most able students."⁸ The 32 hours of in-service training in (e) above is based on the amount of instruction time involved in a single typical 3-credit college course.

Lastly, research shows that teachers of mentally gifted students are significantly more effective both in instruction and in creating a positive classroom environment if they have completed three to five graduate courses in gifted education.⁹

16.6.(d)-(f) General supervision – Compliance -- New Sections

Proposed text:

(d) The Department of Education shall perform compliance monitoring of each school district at least once every five years. Additionally, complaint-driven compliance checks shall be added above and beyond this schedule, according to procedures established by the Department.

(e) The Secretary may exercise the following sanctions for noncompliance with this chapter of regulation upon 60 days notice:

- (1) Eight or more hours sensitivity and awareness training in gifted issues for all school board members and administrators in the district.
- (2) Withholding a portion of a district's Act 48 funding.
- (3) Removing an administrator's principal certification for a period of one or more years.
- (4) Withholding a portion of the noncompliant district's special education and/or general funding.
- (5) The assumption of operational responsibility of gifted programming within a non-compliant school or district by the state, with a portion of the noncompliant district's special education and/or general funding being withheld.
- (6) Removal of, and barring from future office, one or more members of the local school board determined by the compliance monitoring team to be obstructing gifted education.
- (7) Withholding, until a subsequent compliance check, twice any per-student gifted funding from the state for each gifted student found to have inadequate gifted services.

⁸ [http://www.nagc.org/uploadedFiles/PDF/Advocacy_PDFs/state%20of%20nation%20\(page%202\).pdf](http://www.nagc.org/uploadedFiles/PDF/Advocacy_PDFs/state%20of%20nation%20(page%202).pdf)

⁹ J.B. Hansen and J.F. Feldhusen, "Comparison of Trained and Untrained Teachers of Gifted Students," *Gifted Child Quarterly* 38, no. 3 (1994):115-21

(f) All reports resulting from compliance monitoring shall be available to the public via the PDE's website.

Rational:

To 'keep it real,' the proposed 16.6.d is a travesty because a) BECs regarding gifted education have already been issued without improving the state of gifted education in Pennsylvania and 2) if the Secretary were going to enforce Chapter 16 (as he required to by law), he would have done so by now. This matter will not be resolved by the executive branch. The buck-passing revision in the proposed regulation is an obvious political attempt by the Board of Education to shift responsibility to the Secretary of Education and 'wash its hands' of the matter. The BoE is trying to look as if it is doing something when, in fact, it lacks the courage to do so. The IRRC and the General Assembly must act.

I encourage the IRRC to recognize the inadequacy of the current rate of compliance monitoring of ten districts per year. At this rate, a half-century would be required for the PDE to reach some districts; some gifted children with unmet learning needs will likely be grandparents by then. Please consider that Georgia evaluates gifted programs every three years.¹⁰ In light of this, the request for a five-year pace, analogous to the financial audits, is certainly reasonable.

Regarding removal of certification, if the PDE has the power to certify, it has the power to remove that certification.

In *Centennial School District v. Department of Education*, 1988, the PA Supreme Court defined gifted funding as part of a district's general fund. That being the case, the portion set for gifted funding must be defined. After it is defined, it can be withheld.

Regarding removing school board members, 'people are culture.' The most effective way to cure an anti-gifted, anti-intellectual culture is to remove those who promote it.

I recognize that there is currently no per-student gifted funding, but I believe this will happen, so I would like to see the regulations have a placeholder for the withholding of such funds for non-compliance. Please consider that Oklahoma currently withholds twice the per-student allotment.¹¹ Similarly, Mississippi has the power to withhold funds.¹²

The results of compliance monitoring would best be made available on the web so that parents and schools can learn from both the successes and failures of other districts. Currently, the Auditor General's financial audits of school districts are available on the web, so should be Chapter 16 audits. Additionally, if a district is shown to be noncompliant, this information can act as effective input to, as well as prevention of, due process hearings.

¹⁰ http://www.doe.k12.ga.us/_documents/doe/legalservices/160-4-2-38.pdf. Section (f) (2), p. 6

¹¹ <http://title3.sde.state.ok.us/gifted/statutes.htm>

¹² <http://www.mscode.com/free/statutes/37/023/0177.htm>. paragraph (i)

Regarding sanctions, I have provided ideas. Many people have identified compliance as a problem; I would encourage the IRRC to implement a strong solution.

Currently, school boards and administrators are above the law. Consider what you would do if schools violated laws regarding learning disabled students, or the duration of the school year, or core curriculum requirements, or financial management. Why can gifted programming be ignored? Currently, the situation mirrors justice in third world countries – those in power do not follow the law and legal channels usually side with those in power. That's not the way it's supposed to be in the United States of America.

16.6.(g) General supervision – Electronic Monitoring – New Section

(g) School districts shall provide to the Department the following information electronically on an annual basis:

- (1) A copy of the districts public awareness statement along with an indication of the publication(s) in which it appeared.
- (2) Contact information for the parents of all gifted students.
- (3) The number of children identified as gifted.
- (4) The average grade in which a gifted children are identified.
- (5) The average grade in which a child is removed from gifted programming.
- (6) The percentage of GMDEs that included parental involvement.
- (7) The percentage of GIEP meetings that included parental attendance.
- (8) The present levels of education performance by child.
- (9) Percentage of gifted kids not scoring 'advanced' in the PSSAs in their area of giftedness (math or language arts)
- (10) Percentage of gifted students that started kindergarten early.
- (11) Percentage of gifted students subject-accelerated, whole-grade accelerated, and attending at least one class with above-grade peers.
- (12) Percentage of gifted students in middle and high school with plans for early graduation.
- (13) Parent questionnaires as defined by the department.
- (14) All student data related to complaints received in the web-based Department complaint tracking system.

Rationale:

Monitoring of the school districts could be done somewhat automatically if districts provide the necessary data electronically. The Department needs only to think of the questions it wants to ask, and then design the data collection to support it. Much of the data probably already exists. These are easy measures that may indicate a need for further investigation. For example:

- Public Awareness: Asking for a copy will ensure that it is written.
- Parent contact data: with this, the truth can be found.
- The number of children identified: Is it proportional to an expected value versus enrollment? If not, there could be a problem.

- The average grade in which a child is identified: The bulk can certainly be found in grades K, 1, or 2 if gifted services are offered from K through 12, so an average identification grade above 1st should raise suspicion.
- Average grade in which a child is removed from gifted programming: If the number is less than 12 and the child has not graduated, the school is probably not providing adequate gifted services in the higher grades.
- Parent attendance at GMDE: Despite the regulations, this is probably zero in many districts.
- Parent attendance at GIEP meetings: Again, despite the regulations, this number is probably near zero in many districts.
- Simply requiring an annual reporting of a gifted child's present levels of education performance would reinforce the need to establish them. Secondly, for example, if a child was reading at a 5th grade level in 2nd grade, and was still reading at a 5th grade level in 5th grade, the school is not likely to be meeting her learning needs.
- PSSA Scores: This speaks to Adequate Yearly Progress: PSSA data should have two flags per student: gifted in math, gifted in language arts. Gifted kids not scoring 'advanced' in their area of giftedness should raise a red flag.
- Early kindergarten: If it's near zero, it's a problem.
- Acceleration percentages: These will reinforce the need to accelerate.
- Early graduation: Again, asking for the number will reinforce the need to allow early graduation.
- Parent Questionnaires: Which schools are performing best and can act as models? Which schools are performing worst and can act as counter-examples? With computers and internet access in every school, students and parents could answer web-based questionnaires right at the school. Specific concerns could trigger follow-ups phone interviews, and only rare instances would require expensive onsite visits.
- Web-based complaint system: This would quickly reveal any flagrant violations that need to be addressed. A web-based complaint system would not be difficult to develop. In fact, the PDE could probably find a gifted student somewhere in Pennsylvania who would create it as a special project.

A key point to remember from total quality management is that workers will optimize whatever is measured (as is evidenced with PSSAs). Pick the important points, measure them, and you will get compliance.

§ 16.21.(c) General – Screening to begin at registration kindergarten

Current text:

(c) Each school district shall determine the student's needs through a screening and evaluation process which meets the requirements of this chapter.

Proposed text:

(c) Each school district shall determine the student's needs through a screening and evaluation process which meets the requirements of this chapter. Screening shall begin at registration for kindergarten, or first grade where kindergarten is not provided, so that gifted programming can begin on the first day of school.

Rationale:

I encourage the IRRC to require screening to start at registration for kindergarten. This could be done with a simple questionnaire asking the parent how much of the K or 1st grade material is already mastered. Such an evaluation should happen anyway in a well-organized district. Questions about other gifted characteristics could be included. A simple list of ten questions could catch 90% of the gifted children. Keep in mind that this is a 'screen,' not a perfect evaluation. We needn't horrify parents with images of five-year-olds filling in bubble scan forms.

Screening at registration reinforces the point that services are to be offered in grades K through 12, not the popular age-discriminating policy of 3rd grade through 8th grade.

If the 'first day' language seems strong, please consider that it mirrors Ohio's acceleration language: "d) Children who are referred for evaluation for possible accelerated placement sixty or more days prior to the start of the school year shall be evaluated in advance of the start of the school year so that the child may be placed in the accelerated placement on the first day of school." Since registration starts well before 60 days prior to the start of school, this should not be a problem. Please consider keeping pace with our neighboring states.

16.21.(f) General - Schools provide early entry testing – new paragraph.**Proposed text:**

(f) If screening upon registration for kindergarten indicates a need for a GMDE, the district shall provide the evaluation.

(1) Children who will be the proper age for entrance to kindergarten, or first grade where kindergarten is not available, by the first day of January within the school year for which admission is requested shall be evaluated for possible early admittance upon the written request of the child's parent or legal guardian.

(2) Children who will not yet be the proper age for entrance to kindergarten, or first grade where kindergarten is not available, by the first day of January within the school year for which admission is requested shall also be evaluated for possible early admittance upon the written request of the child's parent or legal guardian with:

- referral by an educator within the district, a pre-school educator who knows the child, or pediatrician or psychologist who knows the child. (or)
- the discretion of the principal of the school in which the student is seeking admission.

Rationale:

Currently, districts require that a parent pay for testing and evaluation for early entrance to kindergarten, if they allow early entrance at all. These tests can cost several hundred dollars. So local district policy effectively makes it impossible for low-income families to obtain early entry for their children. That is clearly discriminatory.

The proposed text above is modeled almost word-for-word from the Ohio acceleration language. That language corresponds closely to the research in *A Nation Deceived*, which states that early entry works best if the child's birthday is within three months of the usual start date.

16.22.(j) Gifted multidisciplinary evaluation.

Current text (proposed by BoE):

The initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 school days after the school district receives written parental consent for evaluation or receives an order of a court or hearing officer to conduct a multidisciplinary evaluation.

Proposed text:

... 45 school days ...

Rationale:

This 60-day gap wastes over two millennia of school years of gifted education annually across the state. Please consider cutting it to 45 days. If schools are competent enough to formulate a grade within 45 days (one marking period), they can certainly evaluate a student for giftedness *and* draft a GIEP within that timeframe. Likewise for 16.23.(d)

16.32.(e).(1) GIEP. Clarify the meaning of Present Levels of Educational Performance

Current text:

(1) A statement of the student's present levels of educational performance.

Proposed text:

(1) A statement of the student's present levels of educational performance and present levels of academic capacity.

Resulting definitions:

present levels of educational performance (PLEP) – an annual summary of a student's performance within the current educational program.

present levels academic capacity (PLAC) – an annual measure of a student's academic aptitude in core academic subjects as measured by a nationally-normed, standardized test or curriculum-based assessments.

Rationale:

The problem is that school districts use grades and PSSAs to indicate present levels of educational performance (PLEP), which is fine except that these scores can't possibly determine a gifted student's level of ability, which is needed for instructing the student at their level of ability (seems obvious). A gifted child could be earning straight A's in 2nd grade, but be capable of 5th grade work. A similar problem exists with the PSSAs; 'advanced' doesn't say much. So, PLEP either needs to be clearly defined as intended, or it must be defined as it has been mistakenly used in practice (as grades, PSSAs, and such). There is still value in the latter case as the data can help to highlight underachievement.

If PLEP is defined as currently used, we need an annual measure of the student's actual academic ability, the proposed 'present levels academic capacity' (PLAC), i.e., this 2nd

grader can read at a 6th grade level, do math at a 5th grade level, and understand science at a 4th grade level.

The PLAC language is closely related to 16.41.(b).(2) ("Ensure that the student is able to benefit meaningfully from the rate, level and manner of instruction.") in that a good PLAC is an annual baseline by which a meaningful rate of learning can be judged. In other words, straight A's in 2nd grade and straight A's in 3rd grade *does not* tell you if the learning needs of the gifted student are being met. However, a 5th grade ability in 2nd grade followed by 5th grade ability again in 3rd grade shows that the child hasn't learned at all and is not benefiting 'meaningfully from the rate, level and manner or instruction.' Last year's GIEP has failed, and this year's needs a different approach.

Noting that Commonwealth Court, as ruled by Bernard McGinley on 9/10/2007 against North Penn School District, has found that PLEPs *do in fact* meet my definition for PLACs, it would certainly be reasonable to incorporate that decision into the regulation to reduce ambiguity and short-cutting.

16.32.(g).(4) GIEP – Reporting GIEP Progress (new)

Proposed text:

(4) Progress toward annual GIEP goals and short term goals shall be reported at least as often as other progress reports/ report cards.

Rationale:

Currently, the regulations require a GIEP and its implementation, but they do not require the school to report on the progress toward annual and short term goals. Corrective action cannot be taken if status is unknown.

16.34. Graduation Planning (new)

Proposed text:

- (a) GIEPs shall include graduation planning as soon as gifted children reach the high school curriculum.
- (b) Gifted students shall be allowed to earn graduation credits for any academic course via credit by examination.
- (c) Gifted students shall be allowed to earn graduation credits via dual enrollment in high school and college, distance education, and summer programs.
- (d) A gifted student accepted to, and attending, an accredited college or university as a full time student shall automatically be issued a diploma from their high school for the prior academic year.

Rationale:

The current model for graduation simply does not work with these students. There is no legitimate reason for districts to hold these students back with meaningless graduation requirements. See points 10, 11, and 12 under "The 20 Most Important Points" from *A Nation Deceived* below.

16.41.(b).(3) General

Current text:

(3) Provide opportunities to participate in acceleration or enrichment, or both, as appropriate for the student's needs. These opportunities shall go beyond the program that the student would receive as part of a general education.

Proposed text:

(3) Provide opportunities to participate in acceleration as appropriate for the student's needs.

(4) Provide opportunities to participate in enrichment as appropriate for the student's needs.

Rationale:

As above for 16.2.(d).(3). The 'general education' language can be dropped by clearly defining acceleration and enrichment. Keep in mind, again, that most pull-outs are not truly enrichment.

16.41.(c).(3) General

Current text (proposed by the BoE):

(3) Limit the total number of gifted students which can be on an individual gifted teacher's caseload to a maximum of 60 students.

Proposed text:

(3) Limit the caseload of a teacher who is allocated 100% to gifted education to a maximum of 60 students, with that maximum reduced proportionally based on any other teaching obligations.

Rationale:

A caseload is meaningless if there is no limit to the teacher's other work. It is common for gifted teachers to be only 50% or 25% allocated to gifted education. For example, my district, Camp Hill, has one person 75% allocated with over 100 gifted students, which according to the new regulation, would make her 122% overallocated.

Early Intervention – New Section

Proposed text:

The Intermediate Units shall provide early intervention services for gifted preschoolers. Preschoolers shall be eligible for gifted early intervention if referred by an educator within the district, a pre-school educator who knows the child, a pediatrician or psychologist who knows the child, or the principal of the elementary school which the child will eventually enter.

Gifted services shall include, but not be limited to: curricula recommendation for reading, mathematics, science, and the arts; reading lists with age-appropriate content; information on local preschools which serve gifted students; resources concerning student rights to gifted education and early admission in Pennsylvania; counseling on testing; testing itself; and library materials related to the above.

IUs shall facilitate, and provide venues for, meetings of gifted preschoolers and parents.

Rationale:

If the above seems excessive, please consider that gifted parents could ask for a block copy of special education Chapter 14.151 through 14.158, reworded for gifted.

The idea for IU support came from my experience with my daughter. Her first word was a complete sentence when she was less than six months old. I wondered, 'How do I help my child?' I had heard the term 'early intervention,' and wasn't sure what it meant, so I emailed the IU. Their response was, "We don't do gifted." I found that perplexing. I needed guidance on the education of my advanced preschooler, and the most logical choice within the PDE could not provide me any. Parents like me are left to search mounds of information blindly on our own.

To benchmark against the best practices of other states, consider that Louisiana provides gifted programming starting at age 3¹³. Also, Oklahoma's regulations apply to preschoolers.¹⁴

Lastly, some may be aghast at the notion of instructing a preschooler for a 1/2 hour to 1 hour per day, but American society allows these same children to watch an average of 4 hours of TV per day. Please keep in mind that Pennsylvania needs to produce world-class innovators, not world-class couch potatoes.

ESY for Gifted – New Section**Proposed text:**

Districts shall provide Extended School Year gifted services in the following situations:

- There are known, narrow gaps in a child's knowledge which would prevent an otherwise beneficial grade skip.
- There is a one or two course gap preventing early graduation.
- The student is slightly behind schedule for long range GIEP goals, specifically in preparation for a future grade skip or early graduation two or more years in the future.
- The student desires to learn over the summer.

Rationale:

The above language is self-descriptive with regard to rationale. Many people cannot fathom that some children simply love to learn. Schools can either encourage, or discourage, this enthusiasm. Please consider siding with the encouragers.

Facilities - New Section

Gifted instruction shall be provided by a specially trained teacher in an instructional setting of no less than 28 sq. ft. per pupil.

Rationale:

If the message that we wish to send gifted students and their parents is that they are as important as the learning disabled, then please consider allowing them an equal right to space and contact with a teacher. Even in my own district, the same people that are

¹³ <http://www.louisianaschools.net/lde/uploads/1416.pdf>. Section 501.D, page 5

¹⁴ <http://title3.sde.state.ok.us/gifted/statutes.htm>. Section 904.1.

against grade skipping because of 'socialization' reasons, place advanced readers in the hall by themselves. How much socialization is going on there?

Charter Schools - Admission By At-Risk Status – New Section

Proposed text:

Recognizing research that shows mentally gifted students as at-risk, the Department permits charter schools to limit admissions to students identified as mentally gifted as a targeted population group composed of at-risk students under the following constraints:

- The charter school may not deny admission to dually exceptional students.
- The charter school may not deny admission to underachieving gifted students.¹⁵
- The charter school must have a written policy and procedures in place to promote the identification and admission of underrepresented minorities.
- The charter school must comply with Chapter 16.

Rationale:

At first glance, calling gifted kids 'at-risk' seems absurd, but it is only absurd to those who are unfamiliar with the research. The following risks are listed in *The Social and Emotional Development of Gifted Children*¹⁶:

- frustration, irritability, anxiety, tedium, social isolation: p 11.
- intense social isolation and stress (IQ 160+) : p 14.
- difficulty making friends due to advanced concept of friendship (mostly ages <10): p 23.
- de-motivation, low self-esteem, social rejection (exceptionally gifted): p 26.
- emotional awareness beyond their ability to control: p 34.
- difficulty with peer relations proportional to IQ: p 35.
- loneliness, anxieties, phobias, interpersonal problems, fear of failure, perfectionism: p 43.
- underachievement for social acceptance: p 64.
- lack of resilience reinforced by easy work and well-intentioned praise: p 65.
- increasing perfectionism throughout school years (girls): p 75.
- fear of failure and risk avoidance due to perfectionism: p 75.
- depression (among creatively gifted): p 93.

In case there is any doubt about the cause-and-effect relationship between unmet learning needs and these risks, consider one of the book's conclusions on page 287. "Research indicates that many of the emotional and social difficulties gifted students experience disappear when their educational climates are adapted to their level and pace of learning."¹⁷

¹⁵ "Why Should Gifted Education Be Supported?" (online). Washington, DC: National Association of Gifted Students, cited 4 April 2003.

¹⁶ *The Social and Emotional Development of Gifted Children: What Do We Know?*, Edited by Maureen Neihart, Sally M. Reis, Nancy M. Robinson, and Sidney M. Moon; National Association of Gifted Children (Prufrock Press, Inc.), 2002:

¹⁷ Niehart et. al. p. 287.

Other risks are shown in a study by L.K. Silverman¹⁸:

- refusal to do routine, repetitive assignments
- inappropriate criticism of others
- lack of awareness of impact on others
- difficulty accepting criticism
- hiding talents to fit with peers
- nonconformity and resistance to authority
- poor study habits

Additionally, there is certainly anecdotal evidence of truancy problems with gifted children, who sometimes miss school because of disengagement, and worse, fear of bullying. Legislation was introduced in Colorado to recognize gifted students as at-risk, with truancy as a factor.¹⁹

Lastly, meta-analysis from the paper "Gifted Students Who Drop Out—Who and Why: A Meta-Analytical Review of the Literature" (Kaskaloglu)²⁰ shows two key points. First, twice as many gifted children drop out as one would expect, and those drop-outs are caused in part by school-related issues.

To understand the drop out rate, consider that the study cited indicates the percentage of children who dropped out that scored 130+ in an IQ test was 4.5%. In the general population, only 2.27% of people score in that range. Thus the number is almost twice the expected value, even without considering that one could expect a lower-than-proportional value because brighter students can perform better in school. If a doubled drop-out rate is not 'at-risk,' I don't know what is.

Act 36 of 1999 updated 1703-A to include the following language:

"(2) A charter school may limit admission to a particular grade level, *a targeted population group composed of at-risk students*, or areas of concentration of the school such as mathematics, science or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter." [emphasis mine] Also, within that body of regulation, "at-risk student" is defined as "a student at risk of educational failure because of limited English proficiency, poverty, community factors, truancy, academic difficulties or economic disadvantage."

Given the above definition, please consider that gifted students are indeed 'a targeted population group composed of at-risk students' based on the following information:

- Research indicates that educational failure exists (nearly double the expected drop-out rate)
- Research indicates community factors (difficulty making friends due to advanced concept of friendship, social isolation, difficulty with peer relations proportional to

¹⁸ Silverman, L.K. (1987). 'Applying knowledge about social development to the counseling process with gifted adolescents.' in T.M. Buescher (Ed.). *Understanding Gifted and Talented Adolescents* (pp. 40-44). Evanston, IL: The Center for Talent Development.

¹⁹ http://www.state.co.us/gov_dir/leg_dir/sess1999/hbills99/hb1210.htm

²⁰ http://www.hiceducation.org/edu_proceedings/Esra%20Ayse%42Kaskaloglu.pdf

IQ, lack of resilience reinforced by easy work and well-intentioned praise, ODR decisions in favor of parents show failures in community via schools themselves)

- Anecdotal evidence of truancy exists (as in a recently bullied Cumberland Valley student²¹).
- Research indicates academic difficulty (underachievement for social acceptance, poor study habits)

Therefore, since mentally gifted students experience disproportional academic failure from two, if not three, of the factors in the definition of 'at-risk student,' I encourage you to recognize that gifted students are at-risk according to both the letter and the spirit of the law.

Please consider that Boise, Idaho allows full-time multi-age gifted classrooms, which are logically equivalent to a gifted charter school.²² Additionally, at least one other state has a public gifted school with admission criteria, The Davidson Academy of Nevada.²³ So Pennsylvania would not be setting a precedent by meeting the ability grouping needs of gifted students.

Some may label my proposed regulation as 'elitism,' to which I counter that research shows that gifted children are more likely to develop elitist, arrogant mindsets in mixed ability groups than when grouped with their academic peers.²⁴

Others may argue that non-gifted students experience some sort of 'inspiring effect' or increased academic performance by osmosis when grouped with gifted children. Research shows that gifted kids clearly benefit both academically and socially from being grouped together.²⁵ (Therefore, anyone espousing concern over the socialization of gifted children should support this charter change). Secondly, no research shows a benefit or 'inspiring effect' for average kids being grouped with gifted kids. (Not that gifted kids should be expected to sacrifice their own education for others even if such an effect did exist.) Lastly, research shows that struggling students learn more when grouped with others of their ability, so they benefit from the separation of gifted students as well.²⁶

Still others will argue that this is an attempt to create 'super kids.' While some students will undoubtedly accomplish great achievements, others will be struggling against learning disabilities. Some will have to overcome emotional and social issues. Some will have to learn to care again about school and achievement. What sort of person would take on so many problem students to head such a charter school? Certainly not the Machiavellian types that the uninformed would first imagine.

²¹ <http://www.autismconnect.org/news.asp?section=00010001&itemtype=news&id=5918>)

²² <http://www.boiseschools.org/gifted/elem.html>

²³ <http://www.davidsonacademy.unr.edu/Articles.aspx?ArticleID=124&QL=yes>

²⁴ Dr. Ellen Fiedler-Brand, Richard E. Lange, and Susan Winebrenner. *Tracking, Ability Grouping, and the Gifted: Myths and Realities*. Research Committee of the Illinois Association of Gifted Children, Glenview, Ill. 1992

²⁵ Kulik.

²⁶ Kulik.

Lastly, doubters will still ring the 'socialization' bell, claiming that gifted kids need to be around 'normal kids' for socialization. The research above shows that not to be true. It also shows that 'normal kids' frequently don't converse with gifted children (social isolation); that's why gifted kids are better off being group together. They will talk to each other and therefore be more socialized than in classrooms in which they ignored because of their differences.

Please consider the words of the founders of The Davidson Academy of Nevada, the public school for profoundly gifted students cited above: "the ideal solution for meeting the needs of gifted students is creating school specifically for them."²⁷

I learned in the Chapter 711 roundtable meeting that it is permissible for charter school admission criteria exist in multiple sections of regulation, so there is no reason not to include some in Chapter 16. Thus you have the power, as well as the duty, to include this charter school change. Bring Pennsylvania to the forefront of researched-based regulations on gifted education.

The problem, as I see it, is that when most people think 'gifted,' they think of the annoying kid in the front of the class with all the right answers and his hand up for every question. The difference between me and most people is that I believe that gifted kid has a right to be in a classroom where a) other kids are just as eager to learn and b) he is not ridiculed and alienated for wanted to learn c) he is challenged enough that he won't have all the answers and d) he learns the values of hard work and perseverance.

²⁷ *Genius Denied: How To Stop Wasting Our Brightest Minds*, Jan and Bob Davidson with Laura Vanderkam. (Simon & Schuster Paperbacks, New York, NY, 2004) p. 134.

Now I will quote "The 20 Most Important Points" of *A Nation Deceived: How Schools Hold Back America's Brightest Students*,²⁸ and show how these points relate to needed regulatory changes. My own comments are prefaced with the phrase 'My Comment', which appears in bold.

1. Acceleration is the most effective curriculum intervention for gifted children.

My Comment: Let's do what's effective. As implemented, most gifted pullout programs are non-curricular smart kids' clubs. The activity in these pullouts needs to be tied directly to the core curriculum and involve an increased rate and/or level of learning. A good test is this: if non-gifted kids want to be in the program, then schools aren't doing it right (16.2.d.3 – resulting definitions).

2. For bright students, acceleration has long-term beneficial effects, both academically and socially.

My Comment: Yes, accelerated students are actually better off socially. In a longitudinal study, 80% of males and 90% of females were satisfied with their acceleration or wished it had been even more pronounced. Although they may have had social challenges in the upper grades, in retrospect, they thought the sacrifice was worth it. It is not the school's choice to make this values-based decision.

3. Acceleration is a virtually cost-free intervention.

My Comment: I realize budgets are tight. So, I'm glad that the best solution is also the cheapest. Cost cannot be an excuse for not accelerating.

4. Gifted children tend to be socially and emotionally more mature than their age-mates. For many bright students, acceleration provides a better personal maturity match with classmates.

My Comment: Again, if we are truly concerned about the socialization of gifted students, we will allow them to attend school with their ability peers rather than force a possible mismatch with their age peers.

5. When bright students are presented with curriculum developed for age-peers, they can become bored and unhappy and get turned off from learning.

My Comment: As we saw from *The Social and Emotional Development of Gifted Children* above, over time this boredom and unhappiness snowball into greater psychological problems that all but disappear when the curriculum is adjusted properly.

6. Testing, especially above-level testing (using tests developed for older students), is highly effective in identifying students who would benefit from acceleration.

My Comment: This is why we need a definition of Present Levels of Educational Performance (in 16.32.(e).(1)). How could a teacher possibly instruct a gifted child

²⁸ *A Nation Deceived: How Schools Hold Back America's Brightest Students*. Colangelo, Assouline, and Gross. 2004. The Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development, The University of Iowa, Iowa City, Iowa. <http://nationdeceived.org/> This report is available for free both electronically and as hardcopy.

properly without having an accurate measure of their current grade level abilities in the core subjects? Additionally, how can we know if adequate progress has been made each year without reassessing these levels annually?

7. The evidence and mechanisms are available to help schools make good decisions about acceleration so that it is a low-risk/high-success intervention for qualified students. The Iowa Acceleration Scale is a proven, effective instrument for helping schools make decisions about whole-grade acceleration.

My Comment: Therefore, the slippery slope excuse that 'everyone will want to do it' is invalid.

8. The 18 types of acceleration available to bright students fall into two broad categories: grade-based acceleration, which shortens the number of years a student spends in the K-12 system and subject-based acceleration, which allows for advanced content earlier than customary.

My Comment: Chapter 16 should mandate the application of whichever is appropriate for the student (16.2 – resulting definitions).

9. Entering school early is an excellent option for some gifted students both academically and socially. High ability young children who enroll early generally settle in smoothly with their older classmates.

My Comment: My daughter's birthday is three weeks after our district's cut-off for admission. She has read over 400 books in her life. She can add three digit numbers. She has friends, and she's not overtly shy. However, I had to spend money to prove it. Please add my proposed provisions to 16.21.(f) to allow for easier early admission to kindergarten at no expense to parents.

10. Gifted students entering college early experience both short-term and long-term academic success, leading to longterm occupational success and personal satisfaction.

My Comment: I encourage the Board to require graduation planning to start as soon as gifted children reach the high school curriculum (16.34) We need to offer either credit by examination or move from a credit-based system to a knowledge-based system for graduation.

11. Many alternatives to full-time early college entrance are available for bright high school students who prefer to stay with age-peers. These include dual enrollment in high school and college, distance education, and summer programs. Advanced Placement (AP) is the best large-scale option for bright students who want to take college-level courses in high school.

My Comment: The above various options should be part of a gifted high schooler's GIEP, rather than the common practice of NORAIing out the entire grade upon entrance to high school. (again, 16.34)

12. Very few early college entrants experience social or emotional difficulties. When these do occur they are usually shortterm and part of the adjustment process.

My Comment: Again, we must modify our perception of what it means to graduate so that we avoid the bizarre situations in which gifted students are enrolled and taking classing in college while their high schools continue to refuse to issue them a diploma.

13. Radical acceleration (acceleration by two or more years) is effective academically and socially for highly gifted students.

My Comment: Let's discard the concept that children must march through grades in lockstep by age. It's based on supposition and conjecture, not research facts. My daughter regularly interacts without difficulty with children two and three years older than she in her private Spanish class. If radical acceleration were implemented as commonly as it should be in public schools, it would not cause reactions from other students. Additionally, most homes contain children of differing ages and no one wants to separate these siblings into other homes so they can grow up with age mates, so why must the schools?

14. Many educators have been largely negative about the practice of acceleration, despite abundant research evidence for its success and viability.

My Comment: This speaks to two needs. First, I encourage the Board to require *all* teachers to be trained in the social and emotional needs of gifted children and methods of curriculum modification. 90% of a gifted student's time is in the regular classroom. These teachers need to know how to instruct them. Secondly, I encourage the Board to require a 12-credit certificate of any full time gifted teacher or coordinator. Too many have no gifted training whatsoever. (new paragraphs 16.5.d, 16.4.e)

15. To encourage a major change in America's perceptions of educational acceleration, we will need to use all the engines of change: legislation, the courts, administrative rules, and professional initiatives.

My Comment: IRRC, please do your part with the legislation.

16. Effective implementation of accelerative options for gifted students with disabilities is time- and resource-intensive.

My Comment: It is fortunate that caring for the needs of the disabled is mandated by Federal law and oversight. The state must mandate similar laws and oversight on the gifted side.

17. It is important for parents to be fully involved in the decision-making process about their child's acceleration.

My Comment: Compliance monitoring with repercussions for non-compliance will help to ensure the parental involvement that is already guaranteed in Chapter 16.

18. The few problems that have been experienced with acceleration have stemmed primarily from incomplete or poor planning.

My Comment: This is an important point. Many schools claim, "we tried this before and it failed." When acceleration is philosophically opposed, the failure of its

implementation becomes a self-fulfilling prophecy. Best practices should be researched and followed by districts. If this information were available via the IUs, it would only help to facilitate the necessary and widespread use of acceleration.

19. Educational equity does not mean educational sameness. Equity respects individual differences in readiness to learn and recognizes the value of each student.

My Comment: Enforcement of Chapter 16 removes the onus of 'selling' acceleration (and gifted education in general) from parents and shifts it to a matter-of-fact obedience with the law. Parents of gifted children should not have to convince, cajole, or coerce teachers, administrators, or other parents into accepting that their gifted child's educational needs are not special favors.

20. The key question for educators is not *whether* to accelerate a gifted learner but rather *how*.

My Comment: This is the balance between 'big brother' and local control. The state provides the *whether*; the districts provide the *how*. Chapter 16 should require districts to offer acceleration as an option. You may believe it does, but as was heard in the Board of Education roundtables, many districts do not interpret it that way, so I encourage you to reword it to promote the use of this cheapest and most effective gifted intervention (16.2.d.3).

Conclusion

My comments are congruent with the IRRC's charter. We are suffering economically because our future innovators and entrepreneurs are unchallenged in a system that leaves them bored, anxious, and risk-averse. Regarding public health and safety, gifted children are suffering real, preventable psychological harm from a system that can and should be changed. I have presented research that shows acceleration to be reasonable, rational, and cost-effective. I have also presented areas of ambiguity in the code that are causing unnecessary confusion and driving up legal costs in due process hearings. I am glad that the Commission acts as a clearinghouse for complaints from the public because it will certainly get many regarding the widespread, knowing failure of school districts to meet this regulation due to lack of compliance monitoring and enforcement.

I believe that Pennsylvania can lead the nation in gifted education, rather than trailing other states in a mediocre effort. I believe we can home-grow great innovators for economic development rather than wasting money trying to lure them. I believe that we can nurture our most academically talented students, rather than damaging them emotionally. Lastly, I believe the IRRC more responsible than to allow the situation to continue as is.

I eagerly await your decisive response to the proposed Chapter 16.