



POLICY ANALYSIS

State and Federal Policy: Gifted and talented youth

JULIE WOODS

In 1993, the U.S. Department of Education published *National Excellence: A Case for Developing America's Talent*, both to draw attention to the “quiet crisis” that continues in how we educate top

WHILE AT LEAST 37 STATES DEFINE GIFTEDNESS IN STATE POLICY, ONLY 30 REQUIRE DISTRICTS TO APPLY THE STATE DEFINITION TO THEIR STUDENTS.

students” and to address some of the challenges of that crisis.¹ Today, education leaders and policymakers continue to wrestle with the same quiet crisis of failing to challenge and support the nation’s high achievers.

While a single cause for this struggle is not clear, in recent years, many policies, schools and teachers have focused on improving the performance

of low-achieving students rather than developing the highest performers. This may be associated, at least in part, with the current state and federal focus on accountability systems and closing the achievement gap.² Yet research links gifted program participation with “increased academic performance... and improvements in such domains as motivation, self-efficacy, engagement with learning, nonacademic self-concept, and overall stress.”³ Some argue that high-achievers play a key role in economic competitiveness – and thus warrant as much attention as low performers.⁴

When first published 23 years ago, *National Excellence: A Case for Developing America's Talent* recommended the following steps to better support gifted students: 1) set challenging curriculum standards, 2) provide more challenging



FOCUS IN.
Study up
on important
education policies.

32 states

currently provide **additional funding** for gifted and talented programs.

Low-income and **minority students** are **less likely** to be **identified** as **gifted** or to participate in gifted education programs.

Related Education Commission of the States reports:

**State and Federal Policy:
HOMELESS YOUTH**

**State and Federal Policy:
MILITARY YOUTH**

**State and Federal Policy:
INCARCERATED YOUTH**

**State and Federal Policy:
NATIVE AMERICAN YOUTH**



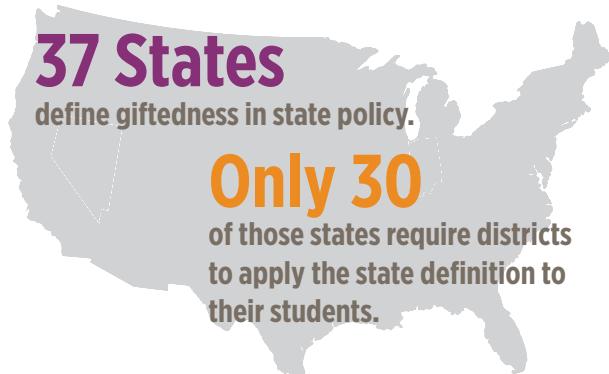
opportunities to learn, 3) increase access to early childhood education, 4) increase learning opportunities for disadvantaged and minority children with outstanding talents, 5) broaden the definition of gifted, 6) emphasize teacher development and 7) match world performance (i.e., learn from other nations and work to match high-achieving counterparts around the world). Most, if not all, of these recommendations still apply to gifted students today, and many of these practices have supported the achievement of students performing at all levels.⁵

Demographics: Who are gifted students?

States and districts vary in their definitions of gifted students and identify these students at varying rates. While at least 37 states define giftedness in state policy, only 30 of those states require districts to apply the state definition to their students.⁶ This variation in identification policies makes it difficult to determine national or even state-level numbers of gifted students and their demographics. Moreover, the descriptors “high-achieving,” “gifted” and “talented” are often used interchangeably (as they are in this report), further impeding efforts to collectively identify these students.

States use a variety of different mechanisms to identify gifted students, such as student test scores or teacher nominations.

Typical indicators of high achievement are scores on the National Assessment of Education Progress (NAEP), SAT, international tests, such as the Programme for International Student Assessment, as well as Advanced Placement (AP) tests, and participation and performance in STEM classes and careers. International test results show that the U.S. produces fewer students reaching the highest achievement levels compared to New Zealand, Shanghai-China, Canada, Singapore, Finland and Japan.⁷ However, many in the U.S. caution that academic achievement is not the sole indicator of giftedness.⁸



A seminal 1972 report to Congress, the Maryland Report, encouraged states to identify “a minimum of 3-5% of the school population as gifted.”⁹ However, instead of setting a minimum for identifying gifted students as recommended by the Maryland Report, some states — such as **Maine** and **Connecticut**—set a maximum limit to the percent of students a district may identify as gifted.¹⁰ In addition, equity concerns surrounding the identification of gifted students exist. For example, minority and low-income students have historically been and continue to be underrepresented in gifted programs.¹¹ One study reports that “high achievers are only one-sixth as likely to be eligible for the free or reduced price meals program—a proxy for family income—as low achievers.”¹²

National Perspective: What is the federal government's involvement?

The new reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), the Every Student Succeeds Act (ESSA), maintains the prior authorization's, No Child Left Behind (NCLB) definition of gifted and talented (G/T) students as students "who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities."¹³

ESSA also maintains ESEA's Javits Gifted and Talented program.¹⁴ First enacted in 1988, this program, "funds research and demonstration projects related to gifted education rather than direct federal support."¹⁵ However, in the 2016 fiscal year, the Javits program received only \$12 million from the U.S. Department of Education. Assuming that 10 percent of the country's student populations are gifted, then this would equate to less than \$3 per student in funding.¹⁶ NCLB and ESSA did not include additional federal policy supports explicitly providing for gifted students.

Many state departments of education have observed that NCLB had a negative effect on gifted education "due to the law's focus on underperforming students, effects on the level of gifted education funding, the lack of gifted education language in the law, and a concentration on standardized testing that discourages investment in services to gifted children."¹⁷ However, changes to accountability systems and other education policies that may result from ESSA's changes may offer an opportunity for greater focus on gifted students.

State Policy: Identification, funding and accountability

While federal law offers a definition of gifted students, states and districts are solely responsible for all education policies related to gifted students. Because of their local nature, these policies can vary widely across the states.

Identification

At least 32 states have legislative mandates to identify gifted students,¹⁸ although at least eight states were not funding their student identification or support services mandates as of a 2014 survey.¹⁹ Districts typically have significant leeway in how they identify these students, as criteria for identification may be determined at the local or state levels or a combination of both.²⁰ As of 2014, "eleven states required a particular identification process, while the others left some or all of the specifics to the [districts]."²¹

In general, states and districts recognize giftedness identifications when students transfer from outside the state or district, and many states authorize districts to determine whether to accept out-of-district or out-of-state identifications. While no state expressly prohibits districts from recognizing other in-state districts' identifications, only 12 states expressly permit this practice.²²

In the past decade, at least three states have passed policies relating to gifted student screening and identification. **Colorado**'s 2014 gifted program bill required the state to offset the costs to districts of conducting universal screening of all students by second grade, among other things.²³ **California** and **Delaware** required the establishment of standards for identifying gifted students in 2012 and 2013 respectively.²⁴



Funding

Many states recognize the importance of providing additional funding for G/T students. A recent report from EdBuild found that 32 states currently provide additional funding for G/T programs in their state. States have chosen to provide this additional funding in several different ways:

- State Funding Formula (11 states): These states provide G/T funding through their state's primary school funding formula. In some cases, the funding is designated specifically for G/T programs while in other cases districts may but are not required to spend the funding on G/T programs.
- Non-Competitive Grants (18 states): These states provide grants to districts, often based on their total student enrollment, for qualifying G/T programs.
- Competitive Grants (Two states): Delaware and **Indiana** provide school districts with G/T funding through competitive grants.
- Other (One state): **North Dakota** provides G/T funding to districts by reimbursing them for a portion of their G/T expenses.²⁵

Accountability

States vary widely in the level of accountability to which they hold gifted programs. As of a 2014 survey, only about half of states collected data on identified gifted learners, and the depth and detail of that data varies. While at least 18 states "required districts to submit gifted program plans" to the state, at least 19 states "did not monitor or audit [district] gifted programs as of 2014."²⁶

AS OF A 2014 SURVEY, ONLY
ABOUT HALF OF STATES
COLLECTED DATA ON
IDENTIFIED GIFTED LEARNERS,
AND THE DEPTH AND DETAIL
OF THAT DATA VARIES.

In the past decade, at least three states have passed policies relating to accountability. **Missouri** required school report cards to include gifted program and student data, **Ohio** mandated a new accountability indicator reflecting gifted student performance and services, and **Texas** established standards to evaluate gifted programs.²⁷

In a recent report on the extent to which states' accountability systems support high-achieving students, the Fordham Institute recommends that states prioritize high-achievers in their accountability systems. Fordham argues that most state accountability systems currently prioritize bringing low achievers up to proficiency, which incentivizes schools to neglect high-achievers. Instead, the report suggests that state accountability systems could better serve high-achievers by giving greater weight to student growth and students attaining advanced achievement levels, as well as by identifying gifted students as a separate subgroup.²⁸

Types of Gifted Programs

Most gifted student education state policies enacted over the past decade address gifted programs, rather than establishing or modifying identification processes or accountability systems. States offer gifted students a variety of programs that can be roughly classified into acceleration strategies and grouping strategies.



Acceleration Strategies

Generally, states have implemented two main types of acceleration strategies: content-based acceleration and grade-based acceleration. Content-based acceleration includes subject acceleration (for example, a third-grade student in fourth-grade math), curriculum compacting (teachers adjust instruction for advanced students in regular classrooms), dual enrollment or participation in Advanced Placement (AP) or International Baccalaureate programs. Grade-based acceleration includes actions such as grade skipping, early admission to the next level of schooling or early graduation.

Many concerns with acceleration center on the ability of accelerated students to fit in with older students and the need for greater social and emotional support. However, research studies observe positive effects of acceleration on students' academic performance and no negative effect on social skills and development.²⁹ Additionally, many forms of acceleration may prove more cost-effective than other gifted programs and may even "save taxpayers money by advancing gifted learners through public schools more quickly."³⁰ In addition, teachers overwhelmingly favor grade- and content-based acceleration as strategies for supporting advanced students,³¹ although teachers may find curriculum compacting particularly challenging.³²

Content-based and grade-based acceleration tactics overlap with growing support to move beyond age- and grade-based advancement toward a competency- or performance-based system. This shift from an emphasis on seat time to an emphasis on mastery of content could benefit gifted students by allowing them to advance at their own pace.

Grouping Strategies

Grouping strategies can overlap with content-based acceleration, but in general, refer to clustering advanced students together within or outside of a classroom to receive separate instruction. These strategies are sometimes referred to as pull-out programs, clustering, ability grouping or performance-based grouping. Magnet schools or special state schools may also provide an avenue for grouping advanced students together.

Grouping strategies may face criticism if they lead to tracking students. Tracking can have negative effects on students by labeling low-income and minority students as low-performing early on in their educational careers. Because low-income and minority students are more likely to be taught by less-qualified teachers and to receive fewer supports at school,³³ ability grouping can have long-term effects on these students who may only need minimal additional support to reach their gifted potential. According to some research, tracking may exacerbate inequality with little effect on the overall achievement in the school or class.³⁴

ACCELERATION STRATEGIES

Some content acceleration strategies, such as dual enrollment or AP participation, can benefit not only gifted students but many other student groups. To find out more about these strategies, including strategies in your state, check out these resources from Education Commission of the States:

- 50-state comparisons on **Dual Enrollment** and **Advanced Placement**
- **Advanced Placement: Model policy components**
- **Dual Enrollment: A strategy to improve college-going and college completion among rural students**
- **Dual Enrollment: 13 model policy components**



Key Issue: Equity

Low-income and minority students are less likely to be identified as gifted or to participate in gifted education programs.³⁵ A lack of school- and district-level data complicates efforts to identify the cause of these disparities, but some researchers have noted that “the decentralization of gifted education funding and policy could be one of the reasons for persisting and widely varying excellence gaps.”³⁶ Black students, for example, are “less likely to attend schools with gifted programs,”³⁷ which may be because these students are more likely to attend schools in poorer districts that lack the resources to maintain gifted programs.

LOW-INCOME AND MINORITY STUDENTS ARE LESS LIKELY TO BE IDENTIFIED AS GIFTED OR TO PARTICIPATE IN GIFTED EDUCATION PROGRAMS.

- **Screening:** Universal screening has been shown to have a significant positive effect on the identification of black and Latino gifted students.³⁸ However, Education Commission of the States is not aware of any states that require statewide universal screening for gifted students. In addition, a survey of middle school gifted programs across the country found that states/schools most commonly use alternative assessments—such as bilingual verbal ability tests or student portfolios or interviews—and teacher recommendations to identify historically underrepresented gifted students, as opposed to universal screening.³⁹
- **Achievement:** Underserved students are also less likely to be identified as gifted because most states emphasize academic achievement in identification. Minority students have been historically underserved by their schools; for example, they are more likely to be taught by less qualified, less effective teachers. Because these groups have performed worse academically than their white peers, they are less likely to be identified as gifted when emphasizing academic achievement.⁴⁰
- **Racial Disparities:** Additionally, disparities in gifted education have been attributed to “lower social and financial capital,” which may give minority families “less access to information about identification processes or to private psychologists or others who can test them for giftedness outside of school.” Due to teacher perceptions of different races, racial disparities may also be linked to unequal identification.⁴¹ For example, one recent study showed that black students with non-black teachers are less likely to receive gifted services.⁴² This identification gap may be due to “differences in backgrounds or biases in [non-black teachers’] judgments or expectations” or to differences in the way students perform and behave with non-own-race teachers. Even parents’ level of involvement may differ with own-race teachers.⁴³

Racial disparities in gifted students may be caused by unequal identification and unequal access to gifted programs.

Policy Considerations

While states may leave many G/T program decisions to districts, state policymakers may want to consider how state-level policies can support improved identification and accountability practices, which may help alleviate existing inequities, increase the number and availability of high-quality programs, and ultimately better serve all gifted students.



Identification

- Consider fully funding existing mandates for gifted student identification.
- Consider how the state could support districts' ability to conduct universal screening.
- Explore alternative forms of identification, particularly those that are not dependent on academic achievement alone, and offer students multiple opportunities for identification.
- Consider developing uniform statewide criteria for gifted student identification.
- Consider providing professional development to teachers to improve their effectiveness at identifying gifted students.
- Consider bolstering state and district efforts to recruit and retain minority teachers.

Accountability

- Consider how the state can provide schools and districts with standards for high-quality gifted programs and guidance for their implementation.
- Collect data on gifted students and programs across the state to better identify how districts support gifted students and better identify inequities between districts.
- Emphasize high-achievers in state accountability systems by giving greater weight to student growth and students attaining advanced achievement levels and by identifying gifted students as a separate subgroup.

Additional Resources

- A wide variety of resources on gifted children and education can be found at the [National Association for Gifted Children](#).
- For more on curriculum compacting, see [Curriculum Compacting: A Systematic Procedure for Modifying the Curriculum for Above Average Ability Students](#).
- For examples of language from state acceleration policies and a Checklist for Developing an Academic Acceleration Policy developed by the National Work Group on Acceleration, see [Guidelines for Developing an Academic Acceleration Policy](#).
- For a state-by-state look at gifted education funding, see [EdBuild's report](#).
- Gifted education centers housed in colleges of education include:
 - ▶ The University of Connecticut's [Renzulli Center for Creativity, Gifted Education, and Talent Development](#).
 - ▶ The University of Denver's [Institute for the Development of Gifted Education](#).
 - ▶ Purdue University's [Gifted Education Resource Institute](#).

Endnotes

1. U.S. Department of Education, *National Excellence: A Case for Developing America's Talent* (D.C.: U.S. Department of Education, 1993), 1, https://www.ocps.net/cs/ese/programs/gifted/Documents/National%20Excellence_%20A%20Case%20for%20Developing%20America's%20Talent_%20Introduction.pdf (accessed October 3, 2016).
2. Tom Loveless, Steve Farkas, and Ann Duffett, *High-Achieving Students in the Era of NCLB* (D.C.: Thomas B. Fordham Institute, 2008), http://www.nagc.org/sites/default/files/key%20reports/High_Achieving_Students_in_the_Era_of_NCLB_Fordham.pdf (accessed October 3, 2016).
3. Jason A. Grissom Christopher and Redding, "Discretion and Disproportionality: Explaining the Underrepresentation of High-Achieving Students of Color in Gifted Programs," *AERA Open*, vol 2, no. 1, (2016): 1, http://news.vanderbilt.edu/files/Grissom_AERAOpen_GiftedStudents1.pdf (accessed October 3, 2016).
4. See, for example, Pamela R. Clinkenbeard, "Economic Arguments for Gifted Education," *Gifted Children*, vol 2, no. 1, (2007), <http://docs.lib.psu.edu/cgi/viewcontent.cgi?article=1018&context=Giftedchildren> (accessed October 3, 2016).
5. Kati Haycock, "Closing the Achievement Gap," *Educational Leadership*, vol 58, no. 6, (2001): 6-11 <http://www.ascd.org/publications/educational-leadership/mar01/vol58/num06/Closing-the-Achievement-Gap.aspx> (accessed October 3, 2016); Anne Nelson, "Closing the Gap: Early Childhood Education," *ASCD Info Brief*, no. 45 (2006), <http://www.ascd.org/publications/newsletters/policy-priorities/apr06/num45/toc.aspx> (accessed October 3, 2016).
6. National Association for Gifted Children and the Council of State Directors of Programs for the Gifted, *2014-2015 State of the States in Gifted Education: Policy and Practice Data* (D.C.: National Association for Gifted Children, 2015), 27-28, [https://www.nagc.org/sites/default/files/key%20reports/2014-2015%20State%20of%20the%20States%20\(final\).pdf](https://www.nagc.org/sites/default/files/key%20reports/2014-2015%20State%20of%20the%20States%20(final).pdf) (accessed October 3, 2016).
7. Paula Olszewski-Kubilius and Jane Clarenbach, *Unlocking Emergent Talent: Supporting High Achievement of Low-Income, High-Ability Students* (D.C.: National Association for Gifted Children, 2012), 6, <http://www.nagc.org/sites/default/files/key%20reports/Unlocking%20Emergent%20Talent%20%28final%29.pdf> (accessed October 3, 2016).
8. See, e.g., "Giftedness Defined," National Society for the Gifted and Talented, 2016, <http://www.nsgt.org/giftedness-defined/> (accessed October 3, 2016).
9. Mary-Catherine McClain and Steven Pfeiffer, "Identification of Gifted Students in the United States Today: A Look at State Definitions, Policies, and Practices," *Journal of Applied School Psychology*, vol 28, (2012): 60, <http://scottbarrykaufman.com/wp-content/uploads/2013/01/McClain-Pfeiffer-20121.pdf> (accessed October 3, 2016).
10. Ibid., *2014-2015 State of the States*, 31. "Maine with 3-5% in the academic areas 3-5% in the arts and Connecticut with 5%"
11. Ibid.; Ibid., Loveless.
12. Ibid., Loveless, 27.
13. Every Student Succeeds Act, Title VIII.
14. Stephanie Aragon et al., *ESSA: Quick Guides on Top Issues* (Denver: Education Commission of the States, 2016), 25, <http://www.ecs.org/ec-content/uploads/ESSA-Quick-guides-on-top-issues.pdf> (accessed October 3, 2016).
15. Jonathan A. Plucker, Nathan Burroughs, and Ruiting Song, *Mind the (Other) Gap! The Growing Excellence Gap in K-12 Education* (Bloomington: Center for Evaluation & Education Policy, 2010), 24, http://www.jkcf.org/assets/1/7/ExcellenceGapBrief_-_Plucker.pdf (accessed October 3, 2016).
16. Mike Griffith
17. Ibid., Plucker.
18. Ibid., *2014-2015 State of the States*, 28.
19. Ibid., 11.
20. Ibid., 23.
21. Ibid., 11.
22. Ibid.
23. Colorado House Bill 14-1102, 2014.
24. Delaware House Joint Resolution 13, 2013; California Assembly Bill 2491, 2012.
25. EdBuild, *Funded: Gifted Report*, (Jersey City: EdBuild), <http://funded.edbuild.org/reports/issue/gifted> (accessed October 3, 2016).
26. Ibid., *2014-2015 State of the States*, 12.

27. Missouri Senate Bill 599, 2012; Ohio House Bill 1, sections 3302.01 and 3302.02, 2009; Texas House Bill 3, section 59, part VII, 2009.
28. Michael J. Petrilli et al., *High Stakes for High Achievers: State Accountability in the Age of ESSA* (D.C.: Thomas B. Fordham Institute, 2016), 7, <https://edex.s3-us-west-2.amazonaws.com/publication/pdfs/08.31%20-%20High%20Stakes%20for%20High%20Achievers%20-%20State%20Accountability%20in%20the%20Age%20of%20ESSA.pdf> (accessed October 3, 2016).
29. Institute for Research and Policy on Acceleration, National Association for Gifted Children, and Council of State Directors of Programs for the Gifted, *Guidelines for Developing an Academic Acceleration Policy* (D.C.: National Association for Gifted Children, 2009), 4, <http://www.nagc.org/sites/default/files/Advocacy/Acceleration%20Policy%20Guidelines.pdf> (accessed October 3, 2016).
30. Susan G. Assouline et al., *A Nation Empowered: Evidence Trumps the Excuses Holding Back America's Brightest Students* (Iowa City: The Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development, 2015), 48, 60-65, https://files.nwesd.org/website/Teaching_Learning/HiCap/2015-16%20meetings/NationEmpowered%20Vol1.pdf (accessed October 3, 2016).
31. Ibid., Loveless, 68.
32. Ibid., 65.
33. See, e.g., Frank Adamson and Linda Darling-Hammond, *Addressing the Inequitable Distribution of Teachers: What It Will Take to Get Qualified, Effective Teachers in All Communities* (Stanford: Stanford Center for Opportunity Policy in Education, 2011), 1, https://edpolicy.stanford.edu/sites/default/files/publications/addressing-inequitable-distribution-teachers-what-it-will-take-get-qualified-effective-teachers-all-_1.pdf (accessed October 3, 2016).
34. Adam Gamoran, "Tracking and Inequality: New Directions for Research and Practice," *WCER Working Paper*, no 2009-6, (2009): 4, <http://files.eric.ed.gov/fulltext/ED506617.pdf> (accessed October 3, 2016).
35. Ibid., Plucker; Ibid., Grissom.
36. Ibid., Plucker, 25.
37. Ibid., Grissom, 1.
38. David Card and Laura Giuliano, *Can Universal Screening Increase the Representation of Low Income and Minority Students in Gifted Education?* (Cambridge: National Bureau of Economic Research, 2015), <http://www.nber.org/digest/nov15/w21519.html> (accessed October 3, 2016).
39. Carolyn M. Callahan, Tony R. Moon, and Sarah Oh, *Status of Middle School Gifted Programs 2013* (Charlottesville: National Research Center on the Gifted and Talented, 2013), 30, <http://www.nagc.org/sites/default/files/key%20reports/MIDDLE%20school%20GT%20Survey%20Report.pdf> (accessed October 3, 2016).
40. Ibid., Grissom, 3.
41. Ibid., 1.
42. Ibid., 14.
43. Ibid., 15.

AUTHOR

Julie Rowland Woods is a policy analyst in the K-12 Institute at Education Commission of the States. She holds a J.D. and M.A. in Education Policy from the Pennsylvania State University. When she's not busy working with the K-12 team, Julie is usually trying to find ways to be more like Leslie Knope. Contact Julie at jwoods@ecs.org or 303.299.3672 or tweet @JulieRoWoods.

Special thanks to Mike Griffith for his contribution to the funding section of this paper.

© 2016 by the Education Commission of the States. All rights reserved. Education Commission of the States encourages its readers to share our information with others. To request permission to reprint or excerpt some of our material, please contact us at 303.299.3609 or email askinner@ecs.org.

Education Commission of the States | 700 Broadway Suite 810 Denver, CO 80203