

## **The Identification of Gifted and Talented Children in Connecticut: The Law and Its Implications**

Very often, parents ask about the laws related to gifted and talented education in Connecticut. In this column, I would like to explore Connecticut statutes as they pertain to this population of children and the implications that the statutes have for school districts. With the information contained in this article, we hope that parents will be able to advocate knowledgeably and effectively for their children within the intent of the law.

### **What is the Law?**

The identification of gifted and talented children is required under Connecticut special education law. Connecticut General Statutes (CGS) Section 10-76d(a)(1) states "...each local or regional board of education shall provide the professional services requisite to the identification of school-age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10-76a to 10-76h, inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the commissioner may require...":

Section 10-76a(5) of the state statutes defines "children requiring special education" as follows:

- (5) "Children requiring special education" includes any exceptional child who... (B) has extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond those ordinarily provided in the regular school programs but which may be provided through special education as part of the public school program.

The state regulations define "gifted and talented", "extraordinary learning ability", and "outstanding creative talent" as follows. Regulations Concerning State Agencies (RCSA) at Sec. 10-76a-2 state:

- (b) "Gifted and talented" means a child identified by the planning and placement team as (1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (2) needing differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative or specific academic potential. The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts as defined by these regulations.

- (a) "Extraordinary learning ability" means a child identified by the planning and placement team as gifted and talented on the basis of either

performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity or both. The term shall refer to the top five per cent of children so identified. (Note: The term means 5% of the children so identified as gifted and talented within the district.)

(j) “Outstanding talent in the creative arts” means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts. The term shall refer to the top five per cent of children so identified. (Note: The term means 5% of the children so identified as gifted and talented within the district.)

While identification is mandated under state law, programming is permissive under Section 10-76d(c) of the state statutes: “(c) Each local or regional board of education may provide special education for children requiring it who are described by subparagraph (B) of subdivision (5) of section 10-76a and for other exceptional children for whom special education is not required by law.” The State Regulations further require that “each board of education provide identification, referral and evaluation for gifted and talented children”, see Section 10-76d-1(b).

### **What Does the Law Mean?**

- (1) The provisions relating to the identification of gifted and talented children are found in the state special education laws. The procedures used to identify and evaluate children who may be gifted or talented are similar to those used to identify and evaluate children with disabilities. Only the state requirements are followed for the identification, evaluation and referral of gifted and talented children. The federal special education law, the Individuals with Disabilities Education Act, does not provide for gifted and talented children.
- (2) The parents must be notified in writing that a referral to the Planning and Placement Team (PPT) has been made to determine a child’s identification as either gifted or talented. A PPT is a “group of certified and/or licensed professionals, who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision making process.... These shall be persons knowledgeable in the areas necessary...” (RCSA Sec 10-76a-1 (p)).
- (3) The PPT must process the referral for an evaluation. The PPT must review existing data to determine if the child may be eligible as gifted and talented. If the PPT determines that sufficient information exists to determine eligibility, further evaluation is not necessary. The parents may challenge the refusal of the PPT to find a child gifted and talented by requesting due process, discussed further below.
- (4) Parents must be notified in writing when the student is referred to the PPT for a consideration of identification of gifted and talented and, after the PPT has

- reviewed the assessment information, notified in writing if the student has met the criteria for eligibility as gifted or talented.
- (5) If the district recommends further evaluations and uses an individual assessment procedure (e.g., an individual intelligence test), certain procedural safeguards must be followed. Individual assessment requires proper notice and informed consent as described in Section 10-76d-8 of the State Regulations. Parents must be notified that their child has been referred for evaluation and written consent for the evaluation must be obtained. Parents must be informed of the results of the evaluation and informed whether or not the child has been identified as gifted and talented.
  - (6) If group assessment procedures are used to identify gifted and talented students, consent to perform such assessments may not be required. Group assessments (e.g. achievement tests) given to all students within a school district are nonspecific and, therefore consent is not required. If a group of students are to be evaluated specifically to determine identification as gifted and talented, notice and consent are required.
  - (7) Parents have the right to review and inspect any educational records related to their child. This includes records related to the determination of a child's identification as gifted and talented.
  - (8) If at any time in the evaluation process the parents disagree with the decisions of the PPT, the parents have the right to challenge those decisions. For example, if the parents disagree with the district's refusal to evaluate the child, the parents may request either a mediation or due process hearing to challenge this refusal. If the PPT determines that the child is neither gifted nor talented, the parents may challenge this determination by requesting either mediation or a hearing. Parents may request an independent educational evaluation to challenge the evaluations conducted by the district.
  - (9) Parents have the right to obtain an independent evaluation of their child, conducted by a certified person not employed by the board of education (CGS Sec. 10-76d-9(c)(1)).
  - (10) Parents have the right to an independent evaluation at public expense if they disagree with an evaluation obtained by the board of education. "Public expense" means at no cost to parents. However, the board of education may initiate a due process hearing to show that the evaluation is appropriate (CGS Sec. 10-76d-9(c)(2)).
  - (11) School districts are not required to provide programming for children identified as gifted and talented. Instead, programming is permissive. Parents, then, can ask for educational services that accommodate the educational needs of their children, but districts are not required to provide such special educational services.

### **Guidelines About the Identification Process**

Personnel from many Connecticut school districts call the State Department of Education to inquire about the laws regulating the identification of gifted and talented children. They also ask for "best practices" related to this process. To answer their questions, we

provide them with the suggestions listed below to ensure equitable and defensible identification procedures that foster open communication with parents.

- (1) Identification should be systematic and ongoing.
- (2) Identification needs to go beyond the traditional, narrow definition of ability and talent. New work by researchers and theorists such as Gardner (1985) and Sternberg (1984) has resulted in the general acceptance of the belief that traditional intelligence tests fail to capture the multi-faceted nature of human potential.
- (3) Identification instruments should match the district definition of giftedness. If a district proposes to identify students with both musical and mathematical ability or potential, then separate identification procedures need to be established in each of the domains.
- (4) The identification process should be based on the use of multiple criteria including, but not limited to: teacher recommendations, student work samples, a portfolio review, teacher checklists, a parent nomination, peer or self nomination, parent nomination, and/or standardized assessment scores.
- (5) Identification instruments need to be sensitive to underserved and culturally diverse populations. Standardized tests, used carefully and cautiously, can yield helpful data in assessing the potential of traditionally underserved or underachieving students. They should not be used exclusively, however. In these cases especially, greater emphasis needs to be placed on parent, teacher, peer, or self-rating scales. Additionally, portfolios and performance rating scales may be more direct assessments of student potential or accomplishment.
- (6) Identification plans should be written and communicated to all parents in languages that reflect the demographics of the community.

### **Conclusion**

Parents, teachers, and school administrators can work collaboratively to identify gifted and talented students in Connecticut. Each group has valuable information that can be used to ensure that all children--those with demonstrated abilities or those with the potential to demonstrate such abilities--are identified. It is my hope that the information provided in this brief summary and explanation of Connecticut law will clarify the rights and obligations associated with the identification procedures and provide a simplified process for meeting the requirements of the law. Please call me or email me if I can answer additional questions related to these laws, (860) 713-6745; [jeanne.purcell@po.state.ct.us](mailto:jeanne.purcell@po.state.ct.us).

### **Resources**

Gardner, H. (1985). *Frames of mind: The theory of multiple intelligences*. New York: Basic Books.

Sternberg, R. J. (1984). Toward a triarchic theory of intelligence. *Behavioral and Brain Sciences*, 7, 269-287.