Identification of Underrepresented Populations for Gifted Services in Kansas

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THE NEED FOR PATHWAYS FOR IDENTIFYING UNDERREPRESENTED POPULATIONS

The underrepresentation of certain ethnic subgroups and low socioeconomic status (SES) populations in programs for students who are gifted have long been known to be an issue based on national statistics. A study by the National Educational Longitudinal Study (NELS) in 1997 provided statistics showing that 17.6% of Asian students, 6.7% of Hispanic students, 7.9% of African American students, and 2.1% of Native American students were involved in gifted programming, compared with 9% of White students. In addition, the NELS study showed that students from the bottom quartile in family income made up only 10 percent of gifted and talented program participants, while students from the top quartile made up 50 percent (study cited by Iowa Department of Education, 2008).

What does Kansas data show regarding the demographics of students identified as gifted?

State Demographics for 2018:

Subgroup	Percent of state enrollment	Percent of state gifted placement
SES		
• Eligible for Free/Reduced lunch	48.1%	14.7%
• Not eligible for F/R lunch (paid)	51.9%	85.3%
English Learners	5.0%	0.4%
Gender		
• Male	51.4%	57.2%
• Female	48.6%	42.8%
Ethnicity		
• White	64.2%	77.8%
• African American	6.9%	1.8%
• Hispanic	19.7%	6.9%
• Other (total)	9.2%	13.6%
o Asian	3.0%*	7.8%
o Multi-ethnic	5.0%*	5.3%
o American Indian	0.9%*	0.4%
o Pacific Islander	<0.1%*	0.1%

*subgroup state enrollment is from 2017

Kansas data is similar to that of many other states, with low SES (as measured by free/reduced lunch eligibility), female, African-American, Hispanic, and American Indian groups underrepresented in their percentage of gifted placements compared to overall state enrollment. Those groups over-represented in gifted placement when compared to overall state enrollment include those not eligible for F/R (paid) lunch, male, white, and Asian subgroups. The data also show that the percentage of students placed in gifted programs who are English Learners is much lower than expected based on the state enrollment percentage of English Learners.

While this document will later address issues relevant to specific subgroups, school personnel need to remember that there is actually a great deal of overlap among the make-up of those subgroups. African-American and Hispanic ethnic subgroups overlap with low SES populations, as measured by those students who qualify for free/reduced lunch. And Hispanic and some other ethnic subgroups overlap with students who are English Learners.

Just as the membership of those subgroups overlap, the recommendations for better identification within those subgroups also share a great deal of commonality. In general, the recommendations that appear most often across studies and subgroups are:
- ◊ conduct screening,
- ◊ use local norms,
- ◊ use multiple measures and multiple criteria, and
- ◊ conduct nondiscriminatory assessment.

Ortiz (2014) defines nondiscriminatory assessment as "a process that unites a variety of activities and procedures designed to assist in generating valid results that lead to fairness in interpretation, decision making, and equivalent outcomes" (pg. 73). He identified a comprehensive framework for nondiscriminatory assessment that includes the following steps:
- Assess for the purpose of intervention
- Assess initially with authentic and alternative procedures
- Assess and evaluate the learning ecology
- Assess and evaluate language proficiency
- Assess and evaluate opportunity for learning
- Assess and evaluate educationally relevant cultural and linguistic factors
- Evaluate, revise, and retest hypotheses
- Determine the need for and language(s) of formal assessment
- Reduce bias in traditional testing practices
- Support conclusions via data convergence and multiple indicators

The importance of authentic procedures includes assessing rate of progress within material that the child has been taught, without assumptions about opportunities for prior learning. Whenever curriculum-based methods of assessment are used, the standard should be comparison to other students who possess background and educational experiences that are as close as possible to the target student being assessed. The implementation of this practice may lead to the need to develop local norms. All the data collected regarding the student being assessed for gifted identification needs to be considered in the context of that student's experiences and background. Because this background may be very different from that of students on whom the most frequently used tests are normed, there may be a need for screening to identify students not typically identified as gifted, and the use of multiple measures and multiple criteria instead of inappropriate assessments. Ortiz points out that no matter what assessment methods are used, teams need to look for convergence in the data. This convergence should reveal patterns of performance indicating a child with high ability and achievement when compared to students of similar experience, language, and background.

Districts need to identify their own issues with identifying underrepresented populations for gifted services by completing the following table:

Subgroup	Percent of district enrollment	Percent of district gifted placement
F/R lunch		
English Learners		
Gender • Male • Female		

Ethnicity
• White
• African-American
• Hispanic
• Other
   ○ Asian
   ○ Multi-ethnic
   ○ American Indian
   ○ Pacific Islander		

If a district finds disproportionate underrepresentation of certain subgroups, then district and building staff members and administrators need to review district and building policies and practices regarding general education interventions, initial evaluations, and eligibility decision-making. State requirements for all of these procedures are briefly described in the following sections, but more information can be found in the Kansas Special Education Process Handbook. Districts need to carefully consider whether the practices being used locally are resulting in disproportional underrepresentation of low SES, English Learners, or ethnic subgroups in programs for gifted. If the district data show disproportionate underrepresentation of certain subgroups, then those practices need to be changed within the limits of state special education statutes and regulations. State special education statutes and regulations provide a great deal of flexibility when it comes to conducting an evaluation, especially regarding use of practices recommended for nondiscriminatory assessment. The team which makes the eligibility decision is also allowed a great deal of leeway in deciding whether a student's data meets the indicators for eligibility, as long as the student's data (1) match the definition of Gifted and (2) indicate a need for special education or related services.

THE IDENTIFICATION PROCESS

General Education Interventions (GEIs)
There are two models for the GEI process in Kansas. Within a school-wide multi-tiered system (e.g., Kansas MTSS and Alignment), children will receive GEI as a part of the system in place for all students. Data collected at each tier should guide school personnel as to the next steps to take based on the child's response to interventions tried. Tier 2 interventions may be protocol interventions, selected on the basis of assessment results for multiple high-achieving students. For students from traditionally underrepresented populations, individualized problem solving may be needed to design Tier 3 interventions and the intensive individualized support the child will receive. Parents should be provided with copies of the child data collected as interventions are implemented and monitored.

The individual problem-solving model of GEIs is carried out through collaborative teams (e.g., SIT teams). Typically, these teams carry out a problem-solving process which results in the refinement of an intervention plan which documents the child's areas of strength and/or concern, the interventions implemented, the data reflecting the child's response to the intervention, and the recommendations as a result of the child's response to the intervention. All steps should include parent involvement – not just informing parents, but including them in decision-making whenever possible.

What are some typical examples of GEIs for potentially gifted students?
- During "Walk to Intervention" time, the student receives learning extensions adapted for the individual's needs and characteristics
- Accelerated placement or advanced placement classes (if allowed for general education students)
- Individual projects in an area of interest/strength

Many other interventions may be used, based on the needs of the student.

Some students may be reluctant to participate in interventions, or to be identified for gifted programming. Here are some possible challenges to successful interventions:
- Peer pressure not to be a high achiever
- Student may not wish to take on more (or more difficult) work
- Social mores against high achievement (especially for girls)
- Responsibilities for sibling care
- For older students, job responsibilities
- lack of understanding about the benefits of gifted education
- possible mismatch between gifted services and rigorous multicultural education.

Some of these challenges are especially characteristic for students from underrepresented populations. It is important to work together with the student and the student's family to address these challenges in a positive way.

Additional information about GEIs can be found in Chapter 2 of the Kansas Special Education Process Handbook.

Initial Evaluation
There are three ways that a child may be referred for an initial evaluation:
1) The parent requests an initial evaluation
2) An adult student (age 18+) requests an initial evaluation
3) School staff suspect that a student may be a student with an exceptionality and need special education services. Typically, school staff determine this through the General Education Intervention (GEI) process of intervention and progress monitoring that provides needed information prior to moving into an Initial Evaluation.

Based on the review of existing data, school staff then identify what additional data, if any, are needed to determine:
• The present levels of academic achievement and functional performance of the child
• Whether the child is a child with an exceptionality
• Whether the child has a need for special education and related services

School staff should think about what information is needed to assure a comprehensive and nondiscriminatory evaluation. What domains and abilities need to be assessed related to the child's presenting concern? Are there any issues related to the student's attention, behavior, social skills, etc.? Is any information needed to identify services and supports needed by the student? Are there any interventions that need to be conducted during evaluation to identify needed services and supports?

Once the consent for evaluation has been obtained from the parent, a team is formed which will have the responsibility of carrying out the evaluation process. The members of the evaluation team are the same as those who would serve on the child's IEP Team (should the child be found eligible), including the parents.

There are two methods of evaluation, (i) "the child's response to scientific, research-based intervention" and (ii) "a pattern of strengths and weaknesses", which are outlined in federal regulations with regard to the identification of students with specific learning disabilities. In Kansas, both are also appropriate to use to determine eligibility for any of the areas of exceptionality, including gifted.

The process based on the child's response to scientific, research-based intervention is referred to as Response to Intervention (RtI). The recommendations for evaluation for underrepresented populations found in the following sections of this document are characteristic of an evaluation using RtI methods. The evaluation data collected includes results of school-wide universal screening, benchmark assessments, and diagnostic assessments, and sometimes the development of local norms, so that students can be compared to peers with similar backgrounds and educational history. RtI practices should include:
• Assessing educationally relevant cultural and linguistic factors
• Providing opportunities for learning and monitor rate of progress

- Comparing the student to other students who possess similar background and educational experiences (may need to develop local norms)
- Supporting conclusions via data convergence and multiple indicators

Teams will need to analyze information collected during problem-solving, as well as the results of the child's response to various types of interventions, including amount of growth, rate of growth, and fidelity of the interventions. Teams interpret this information to determine whether or not the child is a child with an exceptionality and to determine and describe the educational needs of the child. Note that there are reporting requirements specific to use of the RtI. All reporting requirements can be found in Chapter 3 of the Special Education Process Handbook.

The process based on a child's pattern of strengths and weaknesses tends to rely more heavily on the results of norm-referenced tests and other assessments. Evaluation teams must decide which tests are appropriate to use given the characteristics of the student being assessed. Teams need to consider language background, ethnicity, cultural background, socio-economic background, educational history, etc., when selecting appropriate instruments to use for the evaluation. The automatic administration of any assessments, including intelligence or achievement tests, or the use of the same battery of tests for all students referred for an evaluation for gifted services is not appropriate practice. If achievement or intelligence tests are administered, they should be interpreted in combination with other relevant data to identify the child's strengths and weaknesses, including the child's approach to tasks, characteristic patterns of learning, and strengths or difficulties in processing information. It is important for teams to think about these factors _before_ conducting the evaluation and select assessment methods and processes that take these factors into account. Teams then analyze and interpret this information to determine whether the pattern of strengths and weaknesses is characteristic of a child with an exceptionality and to determine and describe the child's educational needs.

When conducting an evaluation, no single measure or assessment shall be used as the sole criterion for determining whether the child is a child with an exceptionality and for determining an appropriate educational program for the child. When selecting assessment tools to assist in gathering the evaluation data, those conducting the evaluation must also ensure the following requirements are met (K.A.R. 91-40-9; 34 C.F.R. 300.304(b)(c)):
- Use a variety of assessment tools and strategies.
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has an exceptionality and needs special education, rather than measuring the child's English language skills.
- Assessments and other evaluation materials are:
  o selected and administered so as not to be discriminatory on a racial or cultural basis;
  o provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the

child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;

- o used for the purposes for which the assessments or measures are valid and reliable;
- o administered by trained and knowledgeable personnel;
- o administered in accordance with instructions provided by the producer of the assessments (Note: if an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.)
- o tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient;
- o selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

The requirements listed above are available in a checklist form in Appendix B (pp. 22-23), so that evaluation teams can rate their practices with regard to these evaluation requirements. Local education agencies need to ensure that the teams carrying out initial evaluations are complying fully with all of these evaluation requirements. Ensuring that teams conducting the evaluation are complying with these requirements is critical for accomplishing nondiscriminatory evaluation for populations traditionally underrepresented within gifted services.

Additional information about evaluation can be found in Chapter 3 of the Special Education Process Handbook.

Eligibility Decision-Making
Eligibility decisions are made by a team of qualified professionals and the parents of the child who has been evaluated [K.A.R. 91-40-10(a)(1)]. The team must ensure that information obtained from all sources used in the evaluation is documented and carefully considered (K.A.R. 91-40-10(d)(2)). The parents and qualified professionals review the results of the initial evaluation to determine:

(1) whether the child is a child with an exceptionality as defined in State statutes and regulations (K.A.R. 91-40-1(k)(w); and
(2) the educational needs of the child (K.A.R. 91-40-10(a)(1)).

When interpreting evaluation data for the purpose of making an eligibility determination, the team must ensure that the child meets the definition of one of the categories of exceptionality and, as a result of that exceptionality, needs special education and related services (KAR 91-40-1(k)(w)). This is known as the two-prong test of eligibility:

ELIGIBILITY = EXCEPTIONALITY + NEED

If a child meets the definition of an exceptionality category but does not need special education and related services, s/he will not be determined to be eligible. If the child has a need for special education and related services but does not meet the definition of an exceptionality category, s/he will not be determined to be eligible.

Prong 1: Is the child a child with an exceptionality?

When considering the first prong of the two-prong test of eligibility, the team reviews the initial evaluation and other data to determine whether or not the child is a child with an exceptionality. To do this, team members compare the data about the child to see if there is a match to one of the exceptionality categories defined in the regulations. The steps to answering Prong 1 for Gifted are:

- Do the evaluation data match the definition of Gifted in state regulations?
- Are the data congruent with the indicators for Gifted?

(Note that requirements regarding exclusionary factors do not apply to eligibility for gifted.)

Notice that for some exceptionalities, including Gifted, you must have data to support each of several categories of information or evidence within Prong 1. There are three categories of information that apply to Prong 1 for Gifted:

1. Evidence of performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields
2. Evidence of being due to intellectual ability
3. Evidence compared to others of similar age, experience and environment

This third category of evidence is critical when making eligibility decisions for underrepresented populations. When interpreting any assessments of academic accomplishment or intellectual ability, teams must compare the student to others of similar experience and environment.

What many practitioners seem to want are numerical criteria for determining whether or not a student is eligible for special education as a gifted student. However, there is no "line in the sand" that is appropriate for determining eligibility for an individual student. There are no state numerical requirements for eligibility for gifted identification. There are numerical criteria that can serve as indicators of match to categories within the definition of gifted, but these are indicators, not requirements. And they are appropriate as indicators only if the assessments that generate them are appropriate for a nondiscriminatory assessment of the individual student who is being evaluated. What teams need to do is document the data on which the team bases their decisions and the critical thinking that underlies professional judgment.

The eligibility indicators for the category of gifted can be found in Appendix C of this document. It is important to know and understand that when using the eligibility indicators document, any of the indicators from each category can be used, not just the numerical criteria.

Prong 2: Does the child need special education and related services as a result of the exceptionality?

Teams can help answer the question of need for special education services by asking about the intensity of instruction and supports required for the child to be successful. Does the child have

specific needs which are so unique as to require specially designed instruction in order to access and make progress in the general education curriculum?

It is helpful for teams to remember that by definition special education means specially designed instruction (KAR 91-40-1(kkk)), and specially designed instruction means adapting the content, methodology or delivery of instruction to address the unique needs of a child that result from the child's exceptionality. This implies that in order to have a need for special education, the child has specific needs which are so unique as to require specially designed instruction in order to access and make progress in the general education curriculum. The issue of progressing in the general education curriculum is especially significant for gifted students. If the child already knows the curriculum content being taught during the upcoming year, what specially designed instruction is needed to ensure progress in the curriculum? The team must have evidence to answer the following questions regarding Prong 2:

- What is needed for the student to participate in the general or an advanced curriculum?
- Is there a need for specially designed instruction?
- Is the child's need for having adapted content, methodology, or delivery of instruction so great that it cannot be provided in regular education without the support of special education?

After the eligibility determination is made, the school is required to provide Prior Written Notice to the parents that the school proposes to initially identify the child as a child with an exceptionality and that the child requires special education and related services. Likewise, school personnel must give Prior Written Notice to the parents if they determine that a child is not eligible for special education or related services.

Additional information about eligibility decision-making can be found in Chapter 3 of the Special Education Process Handbook.

Linking to the IEP
If the student is eligible, the evaluation provides information for the Present Levels of Academic Achievement and Functional Performance (PLAAFPs) in the student's IEP. PLAAFPs are the foundation for the development of the IEP. Three types of information need to be included in the PLAAFPs:

- A description of current performance for both academic achievement and functional performance,
- A statement describing the impact of the child's exceptionality on his/her ability to access and make progress in the general education curriculum, and
- Baseline data for measurable annual goals.

Additional information about IEPs can be found in Chapter 4 of the Special Education Process Handbook. Information about the rights of parents of gifted students can be found in Chapter 1 of the Special Education Process Handbook.

IDENTIFICATION ISSUES SPECIFIC TO UNDERREPRESENTED SUBGROUPS

Low Income (Free/reduced lunch groups)

Test score differences associated with poverty are considerably greater than those associated with race. And the gap is growing. (Reardon, 2011)

Researchers have found that students eligible for free or reduced lunch programs are less likely to be identified for gifted education services, even after controlling for prior math and reading achievement scores. In addition, findings also indicate that students in low-income schools are less likely to be identified for gifted services, which the authors labeled as the impact of institutional poverty (Hamilton et al., 2018).

These researchers suggested the following measures to improve the identification of gifted low-income students:
> • A resource allocation formula that ensures all high-potential students regardless of their school context can access gifted programming.
> • Utilization of school-based norms to guide identification decisions by school districts rather than district-based standards.
> • Implementation of universal screening programs.
> • Adoption of state policies that would help equitably distribute resources, especially to low-income schools to ensure that schools and districts can comply with gifted-related mandates.

McCoach says their findings suggest that school districts may identify specific schools that usually have gifted students, and focus gifted education resources only on the highest-achieving or wealthiest schools. Instead, districts should focus on developing the talents of the highest-achieving students within each of its schools.
> "There should be a certain percentage of students at each school who are identified as gifted, because no matter how low-achieving your school is, there are going to be children in that school that need more academic challenge," she says. "In gifted education, traditionally, the 'gifted' label is placed on the student, and it sort of never goes away. The talent development perspective is to identify students not being adequately served in their regular learning environment and provide what they need to more fully develop their potential. It should be about finding students who can do more than they are being asked to do, and helping them to develop their talents. When you start talking in that way, then it becomes clear that in every school and neighborhood, there will be children who can do more than they are being asked."
> (quoted in an article in UConn Today, by K. Best, Feb. 20, 2018)

Similar findings and policy recommendations were made by the authors of "Is There A Gifted Gap? Gifted Education in High-Poverty Schools". These authors reported statistics from 2014-15 NCES and 2013-14 OCR data showing that in Kansas only 1.8 percent of students at high-poverty schools with gifted programs participate in gifted education, compared to 2.9 percent across all schools with

programs. Their three recommendations for increasing the number of students who traditionally participate in gifted programs at below-average rates were:

1. Consider universal screening and other ways to streamline identification processes.
2. Identify students for gifted programs using local norms.
3. Counter bias in identifying and serving minority gifted students.

Both Stambaugh and Brodersen, Callahan & Caughey identified using multiple measures, including teacher rating scales and performance-based assessments for identifying gifted students of poverty. Brodersen, et.al., suggested always asking "Does this assessment provide norms for low-SES students?" when selecting instruments to be used for evaluation. All authors emphasized the need to use valid and reliable assessments for the population being evaluated.

Based on a number of studies, Lohman and Gambrell (2012) recommended picture-based reasoning tests rather than figural reasoning, describing greater success using these instruments in the identification of high ability among English Learners, low SES, and minority children. Even with improved assessments using picture-based reasoning tests and language-reduced quantitative tests, the authors strongly recommend the use of multiple criteria to make identification decisions.

Cross (2014) in a review of research wrote that the research base regarding the relationship of SES and intelligence indicates social influences on test performance and that reliance solely on an IQ test for identification of potential is contraindicated by this research.

Olszewski-Kubilius and Clarenbach (2012) suggested that leaders who develop programs should consider:

> "Gifted students from low-income backgrounds, including those who are culturally or linguistically different, share many of the personal traits and characteristics of gifted students who are not. However, because they may have had fewer opportunities to gain the academic background knowledge needed to be successful in school and may have unique psychological and social issues as a result of poverty and marginalization, different and distinct approaches to identification and programming are sometimes necessary to fully develop their talents and abilities." (p. 22)

English Learners

Consistently determining the percentage of English Learners in the school population is difficult and percentages vary across sources because of differing definitions of whether or not a student is an English Learner. According to Education Week only 3% of students identified as gifted are English Learners, while 11% of the Kansas student population are identified as English Learners. Education Week identified Kansas as having an 8% percentage gap in the number of English Learners identified as gifted compared to expectations based on student enrollment. In contrast, the Kansas data reported in the introduction indicated general enrollment of 5% of English Learners, with only 0.4% receiving gifted services. What is consistent across all sources of information is that far fewer English Learners are placed in gifted programs than would be expected based on the proportion of school enrollment.

It is important to remember that English Learners are a very heterogeneous group. It is critical to understand the language and education background of students being considered for evaluation and to be familiar with the characteristics of the Limited English Proficiency (LEP) program being provided to the student. At the point in time where a general education intervention team is considering the need for referral, the team needs to make sure that they have collected all the following information about the student:

1. Background information
    a. Home language, changes in home language, siblings, etc.
    b. Location of birth, moves, pre-school education, etc.
    c. Developmental history
2. Previous schooling in primary language and in English
3. Tracking of English acquisition over time
    a. Baseline and current English proficiency
    b. Results of any progress monitoring of English acquisition
    c. Compare rate and level of English acquisition with LEP peer(s)
4. LEP instruction provided
    a. Review information on Individual Learning Plan (ILP)
    b. Is student being taught in English or primary language or both?
    c. What is the type of LEP program being provided?
    d. How has that program been adjusted to meet individual student needs?
5. Results of universal screening
    a. Is student being taught to read in English or primary language or both?
    b. Is screening being conducted in English or primary language or both?
6. What GEIs have been provided?
    a. Are you repeatedly linking to the student's primary language (L1) in the classroom?
    b. What were the results of progress monitoring?
    c. How do results of GEIs for the targeted student compare to results of GEIs for other English Learners?

It is important to know how the student compares to others in his class and grade level, but especially to know how the student with Limited English Proficiency (LEP) compares to his/her LEP peers. LEP peers are defined as students with similar linguistic and educational backgrounds. The following questions can help identify which LEP students would best serve as an LEP peer for purposes of comparison:

– Which LEP students speak the same language?
– Which LEP students are of similar age?
– Which LEP students entered the LEP program at about the same time?
– Which LEP students have a similar family background?
– Which LEP students have a similar history of schooling?

There are two types of evaluations that can be conducted when an English Learner is referred for an initial evaluation, one is Response to Intervention (RTI) and the other is Patterns of Strengths and Weaknesses (PSW).

For RTI evaluations, consider the performance of the target student compared to LEP peer(s) with regard to skill development.

1. Does the target student differ from LEP peer(s) with regard to level of performance? (based on screening data)
2. Does target student differ from LEP peer(s) with regard to rate of learning? (based on progress monitoring data)
3. Consider the input of an experienced LEP teacher regarding (a) and (b).

See Brown and Sanford (2011) for more information about using response to intervention with LEP students.

For the PSW method of evaluation, ensure that a nondiscriminatory assessment is conducted (e.g., Samuel Ortiz, 2014). Follow the steps for nondiscriminatory assessment recommended by Ortiz that are outlined in the introduction.

For either method of evaluation, consider conducting nonverbal assessment with low cultural loading.

a) Multi-dimensional tests, such as the Universal Nonverbal Intelligence Test (UNIT), the Leiter-Revised, and the Kaufman Assessment Battery for Children-II (KABC-II) when administering the nonverbal subtests using the pantomimed administration specified by the test authors.
b) Uni-dimensional tests, such as the Test of Nonverbal Intelligence-Third Edition (TONI-III), the Comprehensive Test of Nonverbal Intelligence (C-TONI), the Naglieri Nonverbal Ability Test (NNAT), and Raven's Progressive Matrices (RPM).

It is important that teachers do not wait for students to become more proficient in English before making a referral for a gifted evaluation. English Learners need to enter gifted programs while studying to become proficient in English, otherwise their student achievement will continue to lag behind. (Castellano, 1998)

<u>Ethnicity</u>

Grissom and Redding (2016) reviewed federal data on 10,000 students to conclude that black students are less likely by 66 percent and Hispanic students less likely by 47 percent than white students to be placed in gifted programs. In their data an average of 5.3% of white students in schools with gifted programs are assigned to gifted programs, compared to 2.2% of Black students, 3.5% of Hispanic students, and 6.2% of Asian students. They also found that even among students with high standardized test scores, Black students were less likely to be assigned to gifted services in both math and reading, even when controlling for other factors, such as health and socioeconomic status, and characteristics of classrooms and schools. Even after accounting for test scores and other factors, Black students are referred to gifted programs, particularly in reading, at significantly lower rates when taught by non-Black teachers, a concerning result given the relatively low incidence of assignment to own-race teachers among Black students.

Brulles, et al. (2011) described the following as characteristics of gifted Hispanic learners:
- Strong desire to learn English and their native language
- Creative thinking abilities,
- Enjoyment of problem solving
- Curiosity

Bernal and Reyna (1974) earlier identified several characteristics as typical among gifted Hispanic American children:
- They rapidly acquire English language skills once exposed to the language and given an opportunity to use it expressively.
- They exhibit leadership ability, although often in an open or unobtrusive manner, with strong interpersonal skills.
- They tend to have older playmates and easily engage adults in lively conversation.
- They enjoy intelligent and (or effective) risk-taking behavior, often accompanied by a sense of drama.
- They can keep busy and entertained, especially by imaginative games and ingenious applications, such as getting the most out of a few simple toys and objects.
- They accept responsibilities at home normally reserved for older children, such as the supervision of younger siblings or helping others to do their homework.
- They are "street wise" and are recognized by others as youngsters who have the ability to "make it" in the Anglo-dominated society.

Many research-based strategies have been recommended to improve the identification of culturally diverse students in gifted programs. Those strategies include ensuring access to high quality instruction (Felder et al., 2015; Harmon, 2004), using multiple, culturally sensitive measures for identification (Ford, 2013; Ryser, 2011), providing high quality professional development that recognizes cultural biases (Ford, 2011; Siegle & Powell 2004; Ford, Moore & Milner, 2005) and early identification and the opportunity for rescreening (Ford 2013; Olszewski-Kubilius & Thompson, 2010).

Other researchers (e.g., Card & Giuliano, 2015) have also found the evidence suggests that utilizing universal screening procedures increases identification rates for non-White students. In the context of professional development, training for teachers could emphasize strategies aimed at identifying giftedness among racially or ethnically diverse students and identification approaches that are not culture-blind (Ford, Moore, & Scott, 2011). (Swanson, 2006) also argued that teacher preparation and classroom experiences may be key to identification of giftedness, especially as it relates to teacher assumptions about low-income, minority gifted students.

Traditional assessment instruments designed to measure intelligence and achievement have long been deemed inappropriate for minority or culturally diverse students (DeLeon, 1983; Markheady, Towne, and Algozinne, 1983; Renzulli, 1970). Unfortunately, the practice of using only traditional tests of intelligence and achievement for evaluating all students for gifted eligibility continues to be the norm.

Scholars and advocates have supported the transition to a more holistic evaluation because of the potentially detrimental impact on gifted identification of lower scores on cognitive assessments for African American and Hispanic students (Joseph & Ford, 2006). The use of nondiscriminatory assessment for gifted identification is widely recommended. This process draws upon a variety of sources of student data and ensures that decision-making teams using culturally sensitive assessments are involved in the evaluation and identification process.

Brulles, et al. (2011) made the following suggestions to improve the identification process for gifted Hispanic students:

- Encourage parent referrals and educate Hispanic parents about gifted programs and how to nominate their children
- Train teachers to identify potentially gifted Hispanic students and inform them about the characteristics of gifted Hispanic students
- Focus on cultural strengths, using multiple criteria and nontraditional measures
- Assess students in different ways and not just their IQ

Multiple criteria may include (a) ethnographic assessment procedures (the student is observed in multiple contexts over time), (b) dynamic assessment (the student is given the opportunity to transfer newly acquired skills to novel situations), (c) portfolio assessment, (d) the use of test scores (performance based and/or nonverbal) in the native or English language (depending on the child's level of fluency), (e) teacher observation, (f) behavioral checklists, (g) past school performance, (h) parent interview, (i) writing samples and other samples of creativity and/or achievement, and (j) input from the cultural group with which the student identifies in the local school community. (Castellano, 1998)

Twice Exceptional

A child may be found eligible as having both giftedness as defined by KAR 91-40-1 and as having a disability under IDEA. The child must meet the eligibility criteria for both the disability and giftedness. (*Note: if a child is identified for both gifted and a disability (i.e., twice exceptional), the disability should be entered as the primary exceptionality in SPEDPro, the MIS system.*) Research estimates that between 2% and 5% of the gifted population will have disabilities and between 2% and 5% of students with disabilities will be gifted (Dix & Schafer, 1996). In Kansas during the 2018-19 school year, a total of 11,963 students were identified as gifted. Of those, 435 were identified as twice exceptional, which is 3.6 %, within the range estimated by researchers.

School staff may see the following types of twice exceptional students in their classrooms:
1. Some students may be identified as gifted yet are exhibiting difficulties in school and may often be considered underachievers. Their underachievement may be attributed to poor self-concept, lack of motivation, or laziness. Their giftedness may be masking their disability.

2. Students may be identified as having a disability, but their exceptional abilities may not have been recognized or addressed. Assessments may underestimate their intellectual abilities. The disability may be masking their giftedness.
3. Students may appear to possess average abilities and no learning disabilities, because their abilities and disabilities may be masking each other.

(Baum & Owen, 2003; Baum, et. al., 1989)

The process of identifying a student as twice exceptional can be complex, because of the interaction of the student's high cognitive skills and the impact of the disability. For example, when identifying a student as both gifted and having a learning disability, the student's achievement may look typical for the student's grade level. In those cases, the student's high ability may increase his/her achievement level higher than that expected for a student with a learning disability, but his/her achievement level may be lower than that typically expected for a gifted child due to the impact of the learning disability. When considering the data regarding a student who may be both gifted and learning disabled, eligibility decisions should not be based on how discrepant a student's achievement scores are from peers, but rather on data regarding within-student discrepancies and the consideration of the student's need for special education and related services.

Teams must make decisions about whether a student meets the eligibility requirements as a child with both a disability and giftedness based on the individual characteristics of the student. Teams must also make placement decisions for twice exceptional students based on the individual needs of the student. It would never be appropriate, for example, to place all twice exceptional students in a district on an IEP as gifted and on a 504 plan as a student with a disability. Consider a student who is gifted and has Attention Deficit Hyperactivity Disorder (ADHD). Some students with this identification may need an IEP to address both (1) student needs related ADHD under a label as Other Health Impaired (OHI) and (2) needs related to the giftedness. Other students, who need only general education accommodations to support ADHD needs, may need an IEP for gifted and a 504 plan for the disability. Other students may need an IEP for needs related to giftedness, but only a SIT plan for the ADHD needs. The specific services appropriate for an individual student must be a team decision, based upon the strengths, weaknesses, and needs of that student.

Morrison and Rizza (2007), based on their research, found that the main problem with identifying children as twice exceptional is a lack of understanding of the characteristics of those students. Part of the problem is a lack of professional development, but the other issue is a lack of communication between personnel serving gifted students and personnel serving students with disabilities. Not only is communication between those two groups essential for identification of twice exceptional students, but for effective services as well. Morrison and Rizza also argued that the traditional use of standardized tests is not sensitive enough for proper identification of twice exceptional students. They recommended neuropsychological examination, curriculum-based measures, and response to intervention techniques as options that could provide a more valid estimation of ability, depending on the student and the situation. They recommended having a range of options available for accurately measuring strengths and weaknesses.

Appendix A: District demographic data chart for students identified as gifted as compared to district enrollment.

District Demographics

Subgroup	Percent of district enrollment	Percent of district gifted placement
SES • Eligible for Free/Reduced lunch • Not eligible for F/R lunch (paid)		
English Learners		
Gender • Male • Female		

Ethnicity
• White
• African-American
• Hispanic
• Other
   o Asian
   o Multi-ethnic
   o American Indian
   o Pacific Islander		

Appendix B

Legal Requirements: Evaluation Procedures Checklist

Rate your evaluation team's practices in terms of the Kansas requirements for evaluation procedures for students referred for an initial evaluation for gifted education. Rate your team's practice as an individual, then together discuss the ratings of all team members and reflect how your team might work to improve evaluation procedures.

Required Evaluation Procedures	Our team engages in best practices	Our team is minimally compliant	Our team needs to improve compliance
•Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information			
•Include information from the parents			
•Include information related to enabling the child to participate and progress in the general curriculum, or, for preschool children, to participate in appropriate activities			
•Assess the student in all areas of a suspected exceptionality			
•Not use any single measure or assessment as the single criterion for determining whether the child is a child with an exceptionality			
•Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors			
•Use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided			
•The assessments and other evaluation materials shall be selected and administered so as not to be racially or culturally discriminatory			
•The assessments and other evaluation materials shall be provided and			

administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally			
•The assessments and other evaluation materials shall be valid and reliable for the specific purpose for which they are used			
•The assessments and other evaluation materials shall be administered by trained and knowledgeable personnel in accordance with instructions provided by the producer of such tests			
•The assessments and other evaluation materials shall include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient			
•Assessments shall be selected and administered to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors the assessment purports to measure			
•Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has an exceptionality and needs special education, rather than measuring the child's English language skills			
•If an assessment is not conducted under standard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report.			

Identification of Underrepresented Populations for Gifted (November, 2019)

Appendix C: Eligibility Indicators for Gifted

KAR 91-40-1 (bb) "Gifted" means performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience and environment.

Prong 1: Does the child exhibit an exceptionality?
Indicators
For meeting this prong of eligibility, the team must consider information and have data to support at least 1 indicator from each of the following numbered categories:

1. Evidence of performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields
   - Measures, record reviews, interviews, and/or observations indicate child demonstrates superior reasoning and problem-solving ability.
   - Progress monitoring indicates child's skill level in one or more academic areas is much above that of peers.
   - Grade Point Average, classroom assessments, portfolios, or rubrics indicate significant excellence in academics.
   - District, state, and national assessments indicate significant excellence in academics.
   - A rank of not less than the 95th percentile on national norms on a standardized, norm-referenced achievement test in one or more of the academic fields (mathematics, language arts (including reading), science, and social science), or evidence that such test scores do not adequately reflect the child's excellence in academics. Consider things such as proficiency in English and in the child's native language, amount of time in the country, level of education in the child's native country, etc. Also consider whether the child's rate of learning is different from those of similar language background and educational experience.
   - College entrance exams indicate significant excellence in academics.
   - Pre-tests consistently indicate child has already mastered end of unit/curricular objectives prior to instruction.
2. Evidence of being due to Intellectual ability
   - Measures, record reviews, interviews, and/or observations indicate child shows persistent Intellectual curiosity and asks searching questions.
   - Measures, record reviews, interviews, and/or observations indicate child shows initiative and originality in Intellectual work.
   - Ease of task completion indicates a significantly high level of Intellectual ability.
   - Rate of acquisition and retention indicate a significantly high level of Intellectual ability.
   - Products from home or school indicate a significantly high level of Intellectual ability.
   - A composite rank of not less than the 97th percentile on an individually administered, standardized, norm-referenced test of Intellectual ability, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high Intellectual potential. Consider things such as proficiency in English and in the child's native language, amount of time in the country, level of education in the child's native country, etc. Also consider whether the child's rate of learning is different from those of similar language background and educational experience.
3. Evidence that when compared to others of similar age, experience and environment

- Multiple characteristics of giftedness exhibited when interventions provide adaptations, enrichment, or acceleration as compared to peers, with consideration given to cultural or linguistic differences.
- Persistence to task and generalization of knowledge gained indicate a remarkably high level of accomplishment.
- Coursework analysis indicates a significantly high level of Intellectual ability and excellence in academics when provided with interventions.
- Performance significantly higher than peers in one or more areas on benchmark assessments, curricular objectives, or state assessments, with consideration given to cultural or linguistic differences.

Prong 2: Does the child need special education [specially designed instruction] and related services?
Indicators

Progress monitoring data indicate intense or sustained resources needed in order for child to demonstrate appropriate progress.

- Evidence of mastery of successive levels of instructional objectives or course requirements indicates the need for intensive adaptations or acceleration.
- Progress monitoring data show that differentiated instruction and targeted interventions are insufficient for child to demonstrate appropriate progress.
- Progress monitoring data of increasingly customized and individually tailored instruction and intervention indicate that the child needs specially designed instruction to access the general curriculum at appropriate levels of instruction.
- Intensive changes or modifications needed in instruction, curriculum, grouping, assignments, etc. for the child to demonstrate appropriate progress.
- Evidence of child's frustration with enriched instructional environments indicates the need for intensive adaptations or acceleration.
- General education interventions such as alternative course selections or cross-age grouping are insufficient to support the child's progress.

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