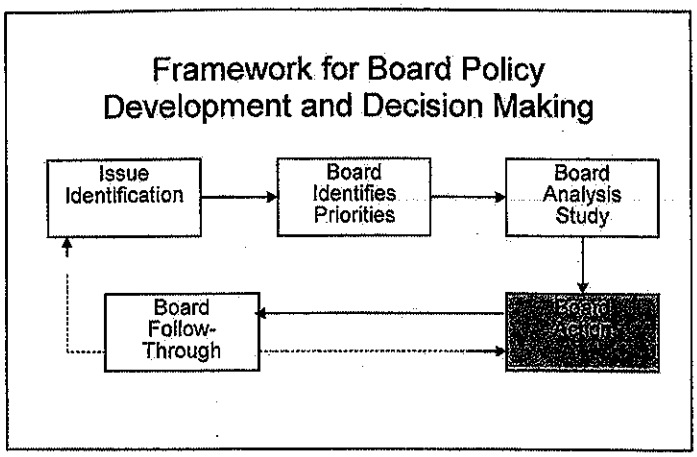
Iowa State Board of Education

Executive Summary

July 30, 2009



Agenda Item: Rules: Chapter 59 - Talented and Gifted Programs (Notice)

Iowa Goal: All K-12 students will achieve at a high level.

Equity Impact Statement: This chapter applies equally to all Iowa school districts.

Presenter: None (Consent agenda)

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to amend this chapter.

Background: This chapter is being revised to conform to changes made in the program funding in Iowa Code chapter 257 (as reflected in Items 3, 5, and 6). The changes in Items 1, 2, 4, 7, 9, and 10 are nonsubstantive cosmetic improvements to the chapter. Some changes in Item 6 and Item 8 clarify financial management of these funds consistent with 281—chapter 98 and Iowa Code chapters 11 and 256.

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to adopt new Chapter 59, "Talented and Gifted Programs," Iowa Administrative Code.

This chapter is being revised to conform to changes made in the program funding in Iowa Code chapter 257 (as reflected in Items 3, 5, and 6). The changes in Items 1, 2, 4, 7, 9, and 10 are nonsubstantive cosmetic improvements to the chapter. Some changes in Item 6 and Item 8 clarify financial management of these funds consistent with 281—chapter 98 and Iowa Code chapters 11 and 256.

An agencywide waiver provision is provided in 281—chapter 4.

Interested individuals may make written comments on the proposed amendments on or before September 15, 2009, at 4:30 p.m. Comments on the proposed amendments should be directed to Su McCurdy, Iowa Department of Education, second floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4738; e-mail su.mccurdy@iowa.gov; or fax (515) 281-8777.

A public hearing will be held on September 15, 2009, from 1 to 2 p.m., at the State Board Room, second floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5296.

The proposed new chapter is intended to implement Iowa Code sections 257.42 to 257.49.

The following amendments are proposed.

Item 1. Amend rule **281—59.1(257)** as follows:

281—59.1(257) Scope and general principles.

59.1(1) *Scope*. These rules apply to the provision of gifted and talented programs authorized in Iowa Code sections 257.42 to 257.49, for students who are identified as gifted and talented and who are enrolled in public ~~schools~~ districts in this state.

59.1(2) *General principles*. Gifted and talented programs shall be provided by a school district and may be made available to eligible students ~~by a local school district,~~ as a cooperative effort between ~~local~~ school districts ~~and~~ or through cooperative arrangements between ~~local~~ school districts and other educational agencies. It is the responsibility of ~~the~~ school districts ~~electing to provide such programs~~ to ensure that ~~they~~ the programs meet the requirements of state statute and these rules.

Item 2. Amend rule **281—59.2(257)**, definitions of *"creative thinking," "local education agency,"* and *"program budget,"* as follows:

"Creative thinking" refers to students who have advanced insight, outstanding imagination and innovative reasoning ability. Such students possess outstanding ability to integrate seemingly ~~unrelating~~ unrelated information in formulating unique ideas, insights, solutions, or products.

~~*"Local education agency"* refers to a local school district.~~

"Program budget" is a budget consisting of a listing of the estimated direct program expenditures, by function and object, ~~expenditures~~ that are necessary to accomplish the goals of the program in meeting the needs of identified students, along with a listing of the sources of revenue and, if necessary, the amounts of fund balance to be applied.

Item 3. Adopt the following **new** definition in rule **281—59.2(257)**:

"*Gifted and talented children*" refers to those students, distinguished from the total K-12 student population, who are identified as possessing outstanding ability who are capable

of high performance. Gifted and talented children are children who require appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program. Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any of the following areas or in combination: general intellectual ability, creative thinking, leadership ability, visual and performing arts ability, or specific ability aptitude.

Item 4. Rescind and reserve rule **281—59.3(257)**.

Item 5. Rescind rule **281—59.4(257)** and replace with the following **new** rule:

281—59.4(257) Program plan. The program plan submitted by school districts shall be part of the school improvement plan submitted pursuant to Iowa Code section 256.7, subsection 21, paragraph "a." The plan shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.
2. Student identification criteria and procedures.
3. Staff professional development.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget as defined in rule 59.2.
7. Qualifications required of personnel administering the program.
8. Other factors required by the department.

Item 6. Amend rule **281—59.5(257)** as follows:

281—59.5(257) Responsibilities of ~~participating local~~ school districts.

59.5(1) and **59.5(2)**. No change.

59.5(3) *Student enrollment.* Students shall be involved in a gifted and talented program for a sufficient portion of the regularly scheduled school time to ensure that projected student outcomes are likely to be achieved.

59.5(4) *Personalized education plan.* ~~The~~ Best practice dictates that the services provided for each student placed in a gifted and talented program ~~shall~~ be contained in a written, personalized gifted and talented plan. ~~The plan shall include~~ The following items are suggested for inclusion in a student's personalized education plan, but this is neither a mandatory nor an exhaustive list:

a. Relevant background data, assessment of present needs and projections for future needs. Relevant information may include the student's leadership ability, interest inventories, learning characteristics, and learning goals.

b. ~~A chronology of all~~ The nature and extent of the gifted and talented services ~~rendered~~ provided to the student, including indirect services, such as consultative services or other supportive assistance provided to a regular classroom teacher. Other services may include modifications to curriculum and acceleration of the student's curriculum.

c. ~~Nature and extent of present services.~~ Personnel responsible for the services provided to the student, as well as those responsible for monitoring and evaluating the student's progress.

d. ~~If the district's program plan provides for indirect services to a gifted and talented student, such as consultative services for a regular classroom teacher, the personalized student plan must document the specific type and extent of supportive assistance provided the classroom teacher on behalf of adapting the regular school program to better address the student's needs.~~ Personalized education plans should be in writing and reviewed at periodic intervals in accordance with the changing needs of the student.

59.5(5) *Student identification criteria and procedures.* Students will be placed in a gifted and talented program in accordance with systematic and uniform identification procedures that encompass all grade levels, and which will be characterized by the following:

a. Identification will be for the purpose of determining the appropriateness of placement in a

gifted and talented program ~~or the receipt of special educational services~~ rather than for categorically labeling a student.

b. to *e.* No change.

59.5(6) *Evaluation.* The ~~local education agency~~ school district shall give attention to the following in its evaluation design:

a. to *d.* No change.

~~*e.* Personalized education plans must be put in writing for each gifted and talented student and reviewed at least annually.~~

59.5(7) *Staff utilization plan.* Staff will be deployed to ensure quality gifted and talented programs

by employing the following procedures:

a. A designated staff person shall be responsible for the overall program coordination throughout

the ~~local education agency~~ school district.

b. The teaching staff of the gifted and talented program should work in parallel with the regular

~~class~~ classroom teachers to assess, plan, carry out instruction, and evaluate outcomes.

c. No change.

59.5(8) *Staff ~~in-service education design~~ professional development.* Periodic ~~in-service sessions~~ professional development ~~will~~ shall be offered for all classroom teachers to maintain and update understandings and skills about individualizing programs for identified gifted and talented students. A staff development plan for personnel responsible for gifted and talented programs shall be provided. This plan shall be based

upon the assessed needs of the gifted and talented instructional and supervisory personnel.

59.5(9) *Qualifications of personnel* ~~*administrating the program.*~~ Instructional personnel providing programs for gifted and talented students should have preservice or in-service preparation in gifted and talented education that is commensurate with the extent of their involvement in the gifted and talented program. The gifted and talented program teacher-coordinator shall comply with the endorsement requirements of subrule 282—13.28(24) [formerly subrule 282—14.140(13)]. The endorsement authorizes the holder to serve as a teacher or a coordinator of programs for the talented and gifted from the prekindergarten level through grade twelve.

59.5(10) *Program budget.* When programs are jointly provided by two or more ~~local education~~

~~agencies~~ school districts or by a ~~local education agency~~ school district in cooperation with another educational agency, the budget shall specify how each cooperating ~~local education~~ school district or agency will determine the portion of the program costs to be provided by each ~~local education~~ school district or agency and shall provide a budget that specifies the contribution

of each ~~local education~~ school district or agency.

~~**59.5(11)** *Budget limitations.* The following limits shall apply to the budget of the gifted and talented program:~~

~~*a.* Excess costs of the gifted and talented program shall not exceed 40 percent of the district cost per pupil.~~

~~*b.* The cost of supplies and materials shall not exceed 4 percent of the district cost per pupil.~~

~~*c.* In determining the minimum one-fourth to be funded from the district cost, no more than 15 percent of the total gifted and talented program costs may be indirect expenses.~~

59.5(11) *Appropriate expenditures.* The purpose of the funding described in Iowa Code section 257.45 is to provide for the needs of identified gifted students beyond those needs that are provided by the regular school program. The funding shall be used only for expenditures directly related to providing the gifted and talented program described in the program plan. Appropriate expenditures are delineated in chapter 281—98.

59.5(12) *Inappropriate expenditures.* Inappropriate expenditures are delineated in 281—chapter 98.

59.5(13) *Financial management.* Gifted and talented funding is categorical funding and follows the general provisions in 281— chapter 98.

59.5(14) *Annual reporting.* School districts shall include and identify the detail of financial transactions related to gifted and talented resources, expenditures, and carryfoward balances on their certified annual report. School districts shall use the account coding appropriate to the gifted and talented program as defined by *Uniform Financing Accounting for Iowa School Districts and AEAs.* Each school district shall certify its certified annual report following the close of the fiscal year but no later than September 15.

Item 7. Amend rule **281—59.6(257)** as follows:

281—59.6(257) Responsibilities of area education agencies.

59.6(1) When a written request is received from one or more local school boards, a gifted and talented advisory council shall be established and operated under provisions of Iowa Code sections ~~257.40~~ 257.48 and ~~257.41~~ 257.49.

59.6(2) Staff of the area education agency shall cooperate with ~~local~~ school districts in the identification and placement of gifted and talented students. Cooperation may include, but is not limited to:

a. to *c.* No change.

Item 8. Amend rule **281—59.7(257)** as follows:

281—59.7(257) Responsibilities of the department.

59.7(1) ~~The department shall provide forms to local education agencies for gifted and talented program proposals. These materials shall be provided not fewer than 45 days before programs are due for approval. The department shall also provide other forms, or outlines as specified in this chapter.~~ The department shall review documentation submitted by school districts and area education agencies regarding the school districts' and area education agencies' gifted and talented programs and financial transactions. The department may request that the staff of the auditor of state conduct an independent program audit to verify that the gifted and talented programs conform to a school district's program plans.

59.7(2) The department shall provide technical assistance to ~~local education agencies~~ school districts and to area education agencies in the development of gifted and talented programs.

~~**59.7(3)** The department shall perform gifted and talented program review and approval.~~

~~**59.7(4)** The department shall develop a format for a gifted and talented annual report. This gifted~~

~~and talented report is to be filed by local education agencies with the department within 45 days following the close of the school year or program.~~

Item 9. Strike rule **281—59.8(257)** in its entirety.

Item 10. Amend implementation sentence as follows:

These rules are intended to implement Iowa Code sections ~~257.31 to 257.36, 257.40 and 257.41~~ 257.42 to 257.49.