704 KAR 3:285. Programs for the gifted and talented.

RELATES TO: KRS 157.196, 157.200(1)(n), 157.224, 157.230
STATUTORY AUTHORITY: KRS 156.070, 157.196(3), 157.220, 157.224
CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.200(1)(n) includes within the definition of "exceptional children" a category of "exceptional students" who are identified as possessing demonstrated or potential ability to perform at an exceptionally high level in general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychosocial or leadership skills, or in the visual or performing arts. KRS 157.224(1) commits the state to a comprehensive educational program for its exceptional school-aged children. KRS 157.230 requires all school districts to operate programs for resident exceptional children, primary - grade twelve (12). This administrative regulation establishes the requirements for programs for gifted and talented students.

Section 1. Definitions.

(1) "Acceleration options" means various forms of advancing through material or grade levels prior to the prescribed time based on early mastery, such as pretesting in content and being excused to go onto higher level activities, curriculum compacting or linear acceleration, simultaneous or dual enrollment in courses at different grade levels including postsecondary, early exit from school, and grade-skipping.

(2) "Advanced placement and honors courses" means courses emphasizing college-level content based on college board curricula and tests (advanced placement), or the provision of more challenging material through higher levels of content, process and product (honors courses).

(3) "Cluster group" means a group usually consisting of four (4) or more identified students placed in a heterogeneous classroom or other instructional setting with a teacher trained in the appropriate instruction of special needs students, specifically gifted and talented, for the purpose of receiving a differentiated educational experience matched to the student's needs, interests, and ability.

(4) "Collaborative teaching" means a gifted education teacher provides differentiated direct instruction in a regular classroom to a cluster group of identified gifted students in conjunction with the regular classroom teacher.

(5) "Consortium" means a collaboration of schools or districts that pool resources to provide appropriate services for gifted and talented students.

(6) "Consultation services" means the provision of instructional information and materials by the gifted teacher to the regular classroom teacher so that he may provide appropriate and adequate services to the gifted student while in the regular classroom setting.

(7) "Counseling services" means effectively-based counseling assistance planned in coordination with the gifted teacher and provided by a counselor familiar with the characteristics and socioemotional needs of gifted and talented students.

(8) "Creative or divergent thinking ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in creative thinking and divergent approaches to conventional tasks as evidenced by innovative or creative reasoning, advanced insight and imagination, and solving problems in unique ways.

(9) "Diagnosis" means the evaluation and determination of the appropriate type and level of service options which would meet a given individual child's interests, needs, and abilities.

(10) "Differentiated service experiences" means educational experiences which extend, replace, or supplement learning beyond the standard curriculum.

(11) "Differentiation" means a method through which educators shall establish a specific, well-thought-out match between learner characteristics in terms of abilities, interests, and needs, and curriculum opportunities in terms of enrichment and acceleration options which maximize learning experiences.
(12) "Disadvantaged" means operating under conditions detrimental to normal cognitive or affective growth due to socioeconomic limitations, cultural factors, geographic isolation, or various combinations of these factors to a degree that requires special considerations.
(13) "Distance learning" means learning opportunities offered through the use of computer technology and satellite transmission or optical fiber transmission.
(14) "Extracurricular enrichment opportunities" means differentiated, academically-based activities that supplement classroom instruction and are often after school and competitive in nature, such as academic teams.
(15) "Formal identification" means a process by which a student in grades four (4) through twelve (12) is identified and diagnosed as having gifted characteristics and behaviors using a balanced combination of criteria specific to a category of giftedness - intellectual aptitude, specific academic aptitude, creativity, leadership, or visual and performing arts, and by which a student may be determined eligible for various levels of services in each category in which the student meets the criteria.
(16) "General intellectual ability" means possessing:
(a) Either the potential or demonstrated ability to perform at an exceptionally high level in general intellectual ability, which is usually reflected in extraordinary performance in a variety of cognitive areas, such as abstract reasoning, logical reasoning, social awareness, memory, nonverbal ability and the analysis, synthesis, and evaluation of information; and
(b) A consistently outstanding mental capacity as compared to children of one's age, experience, or environment.
(17) "Gifted and talented identification and placement committee" means a school or district committee made up of the gifted education coordinator or a gifted education teacher and representatives from classroom teachers, administrators, counselors, special education teachers and other appropriate personnel who follow district policies and procedures to formally identify and determine level and type of service options.
(18) "Gifted and talented student services plan" means an educational plan that matches a formally identified gifted student's interests, needs, and abilities to differentiated service options and serves as the communication vehicle between the parents and school personnel.
(19) "High potential learners" means those students who typically represent the top quartile (twenty-five (25) percent) of the entire student population in terms of the degree of demonstrated gifted characteristics and behaviors and require differentiated service experiences to further develop their interests and abilities.
(20) "Independent study" means a self-directed course or study of a selected topic under the supervision of a teacher or the auspices of a university.
(21) "Informal selection" means a process by which a student in the primary program is documented as having the characteristics and behaviors of a high potential learner in one (1) or more categories using a series of informal measures for the purpose of determining eligibility for the talent pool.
(22) "Instructional grouping" means the temporary grouping of students for the purposes of addressing specific continuous progress skill development, socioemotional needs, and interests.
(23) "Magnet school" means a school which is organized around an area of interests, draws students from an entire community, and has no specific entrance standards except

interest in the focus of the school (e.g., a magnet school for the arts or a magnet school for science and mathematics).

(24) "Mentorship" means specialized studies, such as an internship, with an adult mentor in the community and under the direction of an educator knowledgeable in gifted education.

(25) "Primary review committee" means primary teachers, counselors, administrators, gifted education personnel, and other appropriate personnel familiar with the child's potential or demonstrated abilities.

(26) "Psychosocial or leadership ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in social skills and interpersonal qualities such as poise, effective oral and written expression, managerial ability, and the ability, or vision, to set goals and organize others to successfully reach those goals.

(27) "Resource services" means a service delivery option that:

(a) Entails a part-time grouping of students with gifted characteristics based on the interests, needs and abilities of the students;

(b) Is designed for accelerated content, special interest groups, process skills development or various combinations of all; and

(c) Is provided in a pull-out classroom or other appropriate instructional setting.

(28) "Seminars" means discussion-based sessions on specific topics focusing on advanced content and higher level process skills.

(29) "Special school" means a specialized school designed to:

(a) Serve gifted students in grades four (4) through twelve (12) in specific academic areas (such as a magnet school in science and mathematics); or

(b) Develop specific areas of giftedness such as visual and performing arts.

(30) "Specific academic aptitude" means possessing either potential or demonstrated ability to perform at an exceptionally high level in one (1), or very few related, specific academic areas significantly beyond the age, experience or environment of one's chronological peers.

(31) "Talent pool" means a group of primary students informally selected as having characteristics and behaviors of a high potential learner and further diagnosed using a series of informal and formal measures to determine differentiated service delivery needs during their stay in the primary program.

(32) "Travel study options" means academically-based United States and overseas travel which may result in high school or university course credit.

(33) "Underachieving" means the development of a significant gap between a student's potential ability and demonstrated achievement to a degree that there is an overall diminished ability to achieve at the expected level of ability.

(34) "Visual or performing arts ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in the visual or performing arts and demonstrating the potential for outstanding aesthetic production, accomplishment, or creativity in visual art, dance, music, or drama.

Section 2. Policies and Procedures. A local school district shall have in operation and available for public inspection local board approved policies and procedures which address each requirement in this administrative regulation and are consistent with KRS 157.200, 157.224, 157.230 and 703 KAR 4:040.

Section 3. Identification and Diagnosis of Gifted Characteristics, Behaviors, and Talent and Determination of Eligibility for Services.

(1) A district shall adopt policies and procedures which shall provide for identification and diagnosis of strengths, gifted behaviors and talents through:

(a) Informal selection and diagnosis in the primary program;

(b) Formal identification and continuous diagnosis of a student in grades four (4) through twelve (12); and

(c) Provision of multiple service delivery options in primary through grade twelve (12).

(2) A local school district shall establish a procedure that identifies students displaying gifted and talented behaviors and characteristics as defined in KRS 157.200 and Section 1 of this administrative regulation and allows for determination of eligibility for services based on the student's individual needs, interests and abilities. This procedure shall include a combination of informal measures, formal measures and objective-based eligibility criteria. Determination of appropriateness of level and type of services provided to a student shall be subject to continuous assessment.

(3) A local school district shall provide a system for diagnostic screening and identification of strengths, gifted behaviors and talents which provides equal access for racial and ethnic minority children, disadvantaged children, and children with disabilities.

(4) District identification and diagnosis procedures for appropriate services shall be based upon a balanced multiple criteria approach, continuous and multiple long-term assessment, and early identification and diagnosis of strengths, gifted behaviors and talents.

(5) A local school district shall implement a procedure to obtain parental or guardian permission prior to the administration of an individual test, given as a follow-up to a test routinely administered to all students, used in formal identification and prior to official identification and placement.

(6) Beginning with the 2001-2002 school year, a local school district shall implement a procedure to obtain information related to the interests, needs, and abilities of an identified student from his parent or guardian for use in determining appropriate services. A parent or guardian of an identified student shall be notified annually of services included in his child's gifted and talented student services plan and specific procedures to follow in requesting a change in services.

(7) In the primary program, formal, normed measures may be used for diagnosing the level of instructional service needed by a student and for evaluation of student progress. Data from formal, normed measures shall not be used for the purpose of eliminating eligibility for services to a child in the primary program but may be used to discover and include eligible students overlooked by informal assessment.

(8) A single assessment instrument or measure shall not be the basis for denying services once a child has been informally selected and placed in the talent pool.

(9) For children in the primary program, the procedure for selecting a high potential learner for participation in the primary talent pool shall include use of a minimum of three (3) of the following recognized or acceptable assessment options to assess the degree of demonstrated gifted characteristics and behaviors and to determine level of need and most appropriate service interventions:

(a) A collection of evidence (e.g., primary portfolios) demonstrating student performance;

(b) Inventory checklists of behaviors specific to gifted categories;

(c) Diagnostic data;

(d) Continuous progress data;

(e) Anecdotal records;

(f) Available formal test data;

(g) Parent interview or questionnaire;

(h) Primary review committee recommendation;

(i) Petition system; and

(j) Other valid and reliable documentation.

(10) Exit from the primary program shall be based on criteria established by 703 KAR 4:040.

(11) For a student in grades four (4) through twelve (12), a local school district's procedure for identifying and diagnosing gifted and talented behaviors, and the level of services needed, shall include:

(a) A valid and reliable combination of measures to identify strengths, gifted behaviors and talents which indicate a need and eligibility for service options;

(b) At least three (3) of the following recognized or acceptable assessment options for identification and diagnosis:

1. A collection of evidence from portfolios demonstrating student performance;
2. Inventory checklists of behaviors specific to gifted categories;
3. Continuous progress data;
4. Anecdotal records;
5. Peer nominations;
6. Formal testing data specific to gifted categories;
7. Parent interview or questionnaire;
8. Primary review committee recommendation for those entering the fourth grade;
9. Self-nomination or petition system;
10. Student awards or critiques of performance or products specific to gifted categories; and
11. Other valid and reliable documentation;

(12) To qualify as a gifted and talented student in grades four (4) through twelve (12), the following criteria shall be met in one (1) of these gifted and talented categories:

(a) General intellectual ability shall be determined by a student score within the ninth stanine on a full scale comprehensive test of intellectual ability. If a student scores low on formal group measures of intellectual ability, yet other documentation shows potential, the district shall administer an individual mental ability test. Evidence of general intellectual ability also may include:

1. High performance on additional individual or group intellectual assessment;
2. Observation of applied advanced reasoning ability; or
3. Checklist inventories of behaviors specific to underachieving or disadvantaged gifted learners.

(b) Specific academic aptitude shall be determined by composite scores in the ninth stanine on one (1) or more subject test scores of an achievement test. If a student scores low on a formal group measure of academic strength, yet other documentation shows potential, the district shall administer another standardized normed achievement test. Evidence of specific academic aptitude also may include:

1. High performance on an additional individual or group test of academic aptitude;
2. Student awards or critiques of performances;
3. Off-level testing;
4. Portfolio of high academic performances; or
5. Student progress data.

(c) Creativity shall be determined through the use of informal or formal assessment measures of a child's capacity for originality of thought, fluency, elaboration, and flexibility of thought. Documented evidence of creative thinking ability also may include:

1. Creative writing samples;
2. High scores on tests of creative ability (e.g., Williams or Torrance, etc.);
3. Behavioral checklists or observations specific to creative behavior; or
4. Observation of original ideas, products or problem-solving.

(d) Leadership or psychosocial abilities shall be determined by a variety of informal measures and the documentation of the willingness of a student to assume leadership

roles in class, in a student organization, and in a community activity. Evidence of psychosocial or leadership ability also may include:

1. Sociograms (i.e., questionnaires designed to assess leadership characteristics);
2. Peer recommendations;
3. Behavioral checklists or observations specific to leadership behavior;
4. Portfolio entries which display leadership qualities; or
5. Offices held by student in extracurricular activities and class government.

(e) Visual and performing arts talent shall be determined through evidence of performance which may include auditions, letters of recommendations, or product or portfolio assessment by specialists or professional artists. Evidence of visual or performing arts also may include:

1. Awards or critiques of performance; or
2. Portfolio of visual or performing arts ability.

Section 4. Procedure for Determining Eligibility for Services.

(1) Identification of gifted characteristics, behaviors and talent shall be based on the following process:

(a) Data gathering. A district shall develop a system for searching the entire school population on a continuous basis for likely candidates for services using both informal and available formal, normed, standardized measures, including measures of nonverbal ability;

(b) Data analysis. A district shall develop a system for analyzing student data for the purposes of a comparison of the students under consideration for identification to local or national norms, including those required in this administrative regulation, and to district-established criteria of eligibility for each category of giftedness;

(c) Committee for determination of eligibility and services. A school district or school shall assemble a selection and placement committee which shall have four (4) purposes:

1. To provide feedback on the adequacy of the district's identification and diagnostic procedure;
2. To ensure that a variety of views are heard during the selection and placement process;
3. To determine which students meet identification criteria and which services, at what level, shall be included in each identified student's gifted and talented student services plan; and
4. To help provide communication and support in the schools and community;

(d) Provision of services. A district shall implement articulated services from primary through grade twelve (12) which provide multiple delivery options matched to diagnosed behaviors, strengths and characteristics of individual students; and

(e) Petition and appeal for services. A district shall provide a petition system as a safeguard for a student who may have been missed in the identification and diagnosis procedure.

(2) Exceptions and special considerations for eligibility. School personnel shall take into consideration environmental, cultural, and disabling conditions which may mask a child's true abilities that lead to exclusion of otherwise eligible students, such as a student who qualifies as:

(a) An exceptional child as defined in KRS 157.200;
(b) Disadvantaged; or
(c) Underachieving.

Section 5. Program Evaluation.

(1) District policies and procedures shall ensure that a program evaluation process shall be conducted on an annual basis and shall address:

(a) Overall student progress;
(b) Student, parent, and faculty attitudes toward the program;
(c) Community involvement;
(d) Cost effectiveness;
(e) The incorporation of gifted education into the regular school program;
(f) Overall quality of instruction and program personnel credentials; and
(g) Future program directions and modifications.

(2) Data collected in the annual program evaluation shall be utilized in the school and district instructional planning process.

(3) Beginning with the 2001-2002 school year, local district policies and procedures shall ensure that the school personnel report to a parent or guardian the progress of his child related to the gifted and talented student services plan at least once each semester.

Section 6. Service Delivery Options.

(1) A student diagnosed as possessing gifted characteristics, behaviors or talent shall be provided articulated, primary through grade twelve (12) services which:
(a) Are qualitatively differentiated to meet his individual needs;
(b) Result in educational experiences commensurate with his interests, needs and abilities; and
(c) Facilitate the high level attainment of goals established in KRS 158.6451.

(2) For a student in a primary program, services shall be provided within the framework of primary program requirements and shall allow for continuous progress through a differentiated curriculum and flexible grouping and regrouping based on the individual needs, interests, and abilities of the student.

(3) Emphasis on educating gifted students in the general primary classroom, shall not preclude the continued, appropriate use of resource services, acceleration options, or the specialized service options contained in subsection (5) of this section. A recommendation for a service shall be made on an individual basis.

(4) Grouping for instructional purposes and multiple services delivery options shall be utilized in a local district gifted education plan. Student grouping formats shall include grouping for instructional purposes based on student interests, abilities, and needs, including social and emotional.

(5) There shall be multiple service delivery options with no single service option existing alone, districtwide, at a grade level. These service delivery options shall be differentiated to a degree as to be consistent with KRS 157.200(1). Both grouping for instructional purposes and multiple service delivery options may include:
(a) Various acceleration options (e.g., early exit from primary, grade skipping, content and curriculum in one (1) or more subjects from a higher grade level);
(b) Advanced placement and honors courses;
(c) Collaborative teaching and consultation services;
(d) Special counseling services;
(e) Differentiated study experiences for individuals and cluster groups in the regular classroom;
(f) Distance learning;
(g) Enrichment services during the school day (not extracurricular);
(h) Independent study;
(i) Mentorships;
(j) Resource services delivered in a pull-out classroom or other appropriate instructional setting;
(k) Seminars;
(l) Travel study options; or

(m) Special schools or self-contained classrooms, grades four (4) through twelve (12) only.

(6) With the exception of an academic competition or optional extracurricular offering, services shall be provided during the regular school hours.

Section 7. Curriculum.

(1) A comprehensive framework or course of study for children and youth who are diagnosed as possessing gifted characteristics, behaviors and talent shall be based on a district or school's curricula required to meet the goals established in KRS 158.6451.

(2) A school shall differentiate, replace, supplement, or modify curricula to facilitate high level attainment of the learning goals established in KRS 158.6451 and to assist students identified and diagnosed as gifted and talented to further develop their individual interest, needs and abilities.

Section 8. Personnel. A local school district shall ensure that direct services to students identified as demonstrating gifted and talented behaviors and characteristics shall be provided by professionally qualified and certified personnel as required by the Education Professional Standards Board.

(1) A teacher shall be appropriately endorsed in gifted education in accordance with 704 KAR 20:280 if the teacher works:

(a) directly with identified gifted pupils in addition to the regularly assigned teacher; or

(b) For at least one-half (1/2) of the regular school day in a classroom made up only of properly identified gifted students.

(2) All other personnel working with gifted students shall be prepared through appropriate professional development to address the individual needs, interests, and abilities of the students.

Section 9. Budget; Funding.

(1) State funds for gifted education shall be used specifically for direct services to students who are gifted and talented. Direct services to students identified as demonstrating gifted and talented behaviors and characteristics shall be provided by professionally qualified and certified personnel as required by the Education Professional Standards Board in 704 KAR 20:280. Seventy-five (75) percent of a district's gifted education allocation shall be used to employ properly certified personnel to provide direct instructional services.

(2) A local district budget decision impacting state funds for gifted education after the annual submission of the local district education plan shall be coordinated through the district gifted education coordinator. If the change will cause a major or significant adjustment to the district gifted education budget, the change shall be submitted to the Kentucky Department of Education for approval as an amendment.

(3) A district receiving state gifted education funding shall designate a gifted education coordinator to:

(a) Oversee the district gifted education operation;

(b) Serve as liaison between the district and the state;

(c) Ensure internal compliance with state statutes and administrative regulations; and

(d) Administer and revise the gifted education program budget.

(4) State funding to a district shall be contingent upon:

(a) Employing properly certified personnel to administer and teach in the program;

(b) The annual submission of a local district gifted education year-end report;

(c) A summative evaluation of the program and student progress; and

(d) Complying with this administrative regulation.

Section 10. Procedural Safeguards. A school district shall establish a grievance procedure through which a parent, guardian or student may resolve a concern regarding the

appropriate and adequate provision of talent pool services or services addressed in a formally identified student's gifted and talented student services plan. This districtwide grievance procedure shall address:

(1) How, and by whom, the grievance procedure is initiated;

(2) The process for determining the need to evaluate or reevaluate the child for appropriate services;

(3) The criteria for determining if placement of the child needs revision;

(4) Procedures for ensuring that appropriate services are provided to all identified students consistent with KRS 157.200 and 157.230; and

(5) Procedures for ensuring the participation of the parent or guardian, a regular education teacher of the student, a gifted education teacher or coordinator, administrator, and a counselor in addressing a grievance.

(704 KAR 003:285. 4 Ky.R. 528; eff. 7-5-1978; 9 Ky.R. 40; eff. 8-11-1982; 17 Ky.R. 111; eff. 9-13-1990; 20 Ky.R. 1685; 2350; eff. 3-9-1994; 26 Ky.R. 203; 608; eff. 9-1-1999; Crt eff. 11-16-2018; Crt eff. 6-9-2025.)