

**Title of Regulation:**

**Regulation No.:** 43-220

**GIFTED AND TALENTED**

**Effective Date:** 06/28/13

**Constitutional and Statutory Provisions:**

Section(s):

59-5-60

General powers of [State] Board.

59-29-170

Programs for talented students.

Code of Laws of South Carolina, 1976.

**State Board Regulation:**

Gifted and Talented.

Purpose: The State Board of Education recognizes the need to provide gifted and talented education services to identified students in grades one through twelve. These regulations provide the framework for provision of these services. All regulations must be followed in order to qualify for state funding.

In order to comply with the South Carolina Education Improvement Act of 1984, school districts must provide programming for all gifted and talented students at the elementary and secondary levels. These programming services shall develop the unique talents of students.

**I. DEFINITIONS**

**A. Population**

1. Gifted and talented students are those who are identified in grades one through twelve as demonstrating high performance ability or potential in academic and/or artistic areas and therefore require educational programming beyond that normally provided by the general school programming in order to achieve their potential.

2. Gifted and talented abilities for these regulations include

(a) Academic and Intellectual Ability: Students who have the academic and/or intellectual potential to function at a high level in one or more academic areas.

(b) Visual and Performing Arts: Students who have the artistic potential to function at a high performance level in one or more of the fine arts (dance, music, theatre, and visual arts).

**B. Terms**

1. Academic areas: any or all of the academic disciplines and performance skills that cross the disciplines to include research, technology, and reasoning

2. Academic discipline/disciplines: English language arts, mathematics, science, social studies, and foreign language

3. Artistic areas: any or all of the artistic disciplines and performance skills that cross the disciplines to include research, technology, creativity, and aesthetics

4. Assessment: evaluation and re-evaluation of student aptitudes, attributes, and behaviors according to specified dimensions

5. Confluent: blending and moving forward together

6. Demonstrating (academic): making evident or establishing by reasoning; proving

7. Demonstrating (artistic): making evident or establishing by reasoning, performing, and producing

8. Differentiation: the deliberate adaption and modification of the curriculum, instructional processes, and assessments to respond to the individual needs of gifted and talented learners

9. High level: functional or performance level set by the identification dimensions in these regulations

10. Multi: more than one

11. Multiage classroom: regular classroom where gifted and talented students are served through grade placement above chronological grade placement

12. Placement: evaluation of student profiles for service indications

13. Referral: consideration of one or more students based upon the screening and identification process established in these regulations

14. Regular classroom cluster/itinerant teacher: an intra-classroom model in which students in grades 1–2 receive services from the trained classroom teacher or an itinerant teacher

15. Resource room/pull out: self-contained gifted and talented class that meets away from the regular classroom to provide the services established in these regulations

16. Screening: consideration of all students on consistent measures as established in these regulations

17. Special class: self-contained gifted and talented class organized around one or more disciplines

18. Special school: full-time academic/artistic gifted and talented magnet school: full-time academic/artistic gifted and talented school within a school

19. State identification criteria: the originating state must have a statewide (not local) definition of gifted and talented academic and/or gifted and talented artistic, and the student must satisfy those statewide requirements

## II. ACADEMICS

### A. Programming

1. Districts will plan for and provide a comprehensive, aligned, and coordinated continuum of services that address the advanced learning needs of gifted and talented students. To document planning, districts will submit a local gifted and talented programming plan every five years and delineate progress on this plan annually. The South Carolina Department of Education (SCDE) will review the plan annually and provide written feedback to the districts. The SCDE shall establish a format and template for the plan. The following academic programming requirements will be addressed in a district plan:

(a) differentiated curriculum, instruction, and assessment that maximize the potential of the identified students;

(b) support services that facilitate student learning and personalized education (e.g., mentorships, online courses, independent study, assistive technologies, guidance, academic support, staff development, academic competition);

(c) programming models that facilitate the delivery of differentiated curriculum and instruction;

(d) a teacher-pupil ratio that fosters positive results;

(e) appropriate and sufficient time in instruction to assure that the goals and objectives of the programming are met; and

(f) systematic assessment of student progress and programming effectiveness relative to goals.

2. To provide curriculum, instruction, and assessment that maximize the potential of the identified students, educational programming for academically gifted and talented students must reflect the following characteristics:

(a) content, process, and product standards that exceed the state-adopted standards for all students and that provide challenges at appropriate levels for strengths of individual students;

(b) goals and indicators that require students to demonstrate depth and complexity of knowledge, creative and critical thinking, and problem-solving skills;

(c) instructional strategies that promote inquiry and accommodate the unique needs of gifted and talented learners;

(d) a confluent approach that incorporates acceleration and enrichment;

(e) opportunities for the critical consumption, use, and creation of information using available technologies ; and

(f) evaluation of student performance and programming effectiveness.

3. Districts should reference the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for programming models and curriculum requirements.

4. The models and teacher-pupil ratios that are approved for programming service at respective grade levels are

Grades	Approved Programming Model Choices
1-2	Regular Classroom/Itinerant Teacher (1:10) Multiage Classroom (NA) Resource Room/Pull-out (1:15)
3-5	Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20)
6-8	Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20)
9-12	Special School (1:25) Special Class (1:25)

5. An appropriate teacher-pupil ratio fosters positive results. The teacher-pupil ratios are listed beside the models in the chart above.

6. Extension Models, while encouraged to supplement service, may not be substituted for one of the Approved Programming Model Choices. They include but are not limited to

Grades	Extension Model
1-2	After School/Summer Services Individual Educational Plan Grade/Subject Acceleration Independent Study Special Training/Services for Parents Critical Thinking Seminars
3-5	Regular Classroom Cluster/Itinerant Model After School/Summer Services Independent Study Virtual School Courses Charter School Experiences International Baccalaureate Classes
6-12	Mentorship/Internship Regular Classroom Cluster/Itinerant Model After School/Summer Services Independent Study Seminars Exploratory Courses Virtual School Courses Charter School Experiences International Baccalaureate Classes

7. A school or district may elect to serve students in any of the above Approved Programming Models through a consortium agreement with other school districts. Other innovative models developed by the school district must receive written approval annually from the SCDE.

8. The programming must provide appropriate and sufficient time to assure that the goals and objectives of the programming are met. The following time requirements must be met by resource room/pull-out (R/P) and regular special classroom/itinerant (SC) teacher programming models at respective grade levels to assure funding:

Grades	Programming Model	Minimum Minutes Per Year (Per Week*)
1-3	R/P	4500 (125)
	SC	8100 (225)
4-8	R/P	7200 (200)
	SC	8100 (225)
9-12	SC	8100 (225)

\* = Assumes programming services of 36 weeks per school year.

The special school model requires full-time (academic) service.

9. The preparation of differentiated curriculum for gifted and talented students requires planning time for teachers at each level. Teachers shall be provided two hundred and fifty minutes per week or the appropriate grade-level equivalent for planning.

10. Annual professional development on differentiated curriculum, instructional strategies, social-emotional support, assessments, or other gifted and talented student-focused topics shall be provided by the district for all teachers working with gifted and talented students.

#### B. Identification of Population to be Served

1. The purposes of identification are (1) to find students who display characteristics of the gifted and talented; (2) to assess the aptitudes, attributes, and behaviors of each student; and (3) to evaluate each student for the purposes of placement. Student aptitudes, attributes, and academic behaviors will be identified, assessed, and reviewed through a multistep, multimodal, and multidimensional identification system.

2. Gifted and talented students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations of students with disabilities.

3. Identification is a multistep process, which consists of screening and referral, assessment of eligibility, and placement.

4. Districts should reference the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for the identification process.

5. The following students are deemed eligible for services with the approval of the District Evaluation Placement Team:

(a) students who meet the criteria in two out of three dimensions that follow in Section II.B.7,

(b) students who meet the 96th national age percentile composite score or higher (placement grades three through twelve) or the 98th national age percentile composite score or higher (placement grades one through two) on an individual or group aptitude test,

(c) students identified in one South Carolina school district are eligible for services in any South Carolina school district, and

(d) students who have met the *state identification criteria* in another state and who transfer into a South Carolina public school are eligible for Gifted and Talented services as deemed appropriate by the Evaluation Placement Team.

## 6. Screening/Referral Procedures

(a) Districts shall screen all students by reviewing census aptitude and achievement test scores. Referrals from administrators, parents, teachers, and students must be accepted. Initial screening does not in itself guarantee placement.

(b) Districts shall include the following procedures in the screening/referral process:

(1) provide all parents/guardians with effective, written notice of the gifted and talented education programming, screening/referral procedures, and eligibility requirements;

(2) implement processes for identifying the academically gifted and talented from all student populations;

(3) provide training/guidance regarding the characteristics of academic giftedness for teachers and other district staff involved in the identification process; and

(4) use screening criteria and procedures that are directly related to the purpose of the gifted and talented programming (i.e., identifying all students with demonstrated potential for high academic performance as well as those who have demonstrated high achievement).

(c) All students with the potential for eligibility after screening and all students with referrals must continue into the assessment for eligibility phase of the identification process. The SCDE will establish procedures for screening and referral criteria with options for districts. Districts must use one of these options or obtain SCDE approval of an alternative proposal.

## 7. Assessment for Eligibility

(a) Districts must ensure that all assessment instruments/measures are reviewed for bias and accurately assess the abilities/skills/potential intended to be measured; these abilities/skills/potentials are consistent with the definition of population set forth in this regulation; and, to the extent that subjective assessment criteria are used, those individuals conducting the assessment are trained to ensure proper evaluation.

(b) No private testing will be accepted for eligibility, but those results may be considered for referral purposes.

(c) The following criteria organized by dimensions shall be used in the screening/referral/assessment processes of identification:

(1) Dimension A: Reasoning Abilities

These students demonstrate high aptitude (93rd national age percentile or above) in one or more of these areas: verbal/linguistic, quantitative/mathematical, nonverbal, and/or a composite of the three.

a) Individual aptitude test (full-scale or component score)

b) Group aptitude test (composite, verbal, or nonverbal scores)

(2) Dimension B: High Achievement in Reading and/or Mathematical Areas

These students demonstrate high achievement (94th national percentile and above or meet criteria set forth by the SCDE) in reading and/or mathematical areas as measured by nationally normed or South Carolina statewide assessment instruments. (See the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for approved subtest areas.)

(3) Dimension C: Intellectual/Academic Performance

These students demonstrate a high degree of interest in and commitment to academic and/or intellectual pursuits or demonstrate intellectual characteristics such as curiosity/inquiry, reflection, persistence/tenacity in the face of challenge and creative productive thinking. Characteristics for this dimension are demonstrated through

a) Evidence of commitment in academic disciplines through grades for placement in grades six through twelve; the standard is 3.75 points on a 4.0 scale (See the glossary of terms for a listing of the academic disciplines.);

or

b) Assessments of performance on STAR Performance Task Assessment for placement in grades three through six. Instruments for these assessments will be maintained secure under S.C. Code Ann. Section 59-1-445 (1990), Section 59-1-445, Violations of mandatory test security; penalties; investigations. The performance standard for the primary level is sixteen on either the verbal or nonverbal assessments for placement into grade three and eighteen on either the verbal or nonverbal assessment for placement into grade four. The performance standard for the intermediate level is sixteen on the verbal or twenty-two on the nonverbal for placement into grade five and eighteen on the verbal or twenty-five on the nonverbal for placement into grade six. The qualifying standards for new forms of STAR Performance Task Assessment will be equivalent to those of the base year.

(4) Districts will follow steps established by the SCDE to guarantee no single criterion eliminates students from gifted and talented programming participation.

## 8. Placement

(a) The evaluation step in the identification process of gifted and talented students shall be the responsibility of an evaluation/placement team within the school or district. The team shall be composed of at least a teacher, an administrator, and a guidance counselor or a psychologist (if employed by the district). In the event all three categories cannot be represented, more than one member may be chosen from one of the three categories. The evaluation/placement team for an individual student may also

include a guidance counselor and/or a community-related person whose training and expertise qualifies him or her to appraise the special competencies of students.

(b) The evaluation/placement team shall have the responsibility to interpret and evaluate student data in such a way that will insure appropriate placement. The evaluation/placement team may require additional assessment before determining student placement. Placement may involve a trial period for at least one semester but not more than one year. Criteria for trial placement shall be established in guidelines established by the SCDE. Students whose progress within the gifted and talented programming at the end of trial placement is not deemed adequate by the evaluation/placement team may be withdrawn from the programming.

(c) The evaluation/placement team will be responsible for developing appropriate written procedures for removing a student from the gifted and talented programming. The criteria for these procedures according to the programming model shall be established by the SCDE . Removal from the programming must be preceded by appropriate counseling with the student and conferences with the student's parents and teachers. Records of any assessment and evaluative measures and other student information must be maintained in a confidential manner.

(d) Students identified and served according to prior eligibility criteria will continue to be eligible for placement and funding provided their programming service meets the requirements herein. Any student entering the programming once these regulation amendments are effective shall be considered for placement based on the eligibility criteria herein.

### C. Staff

#### 1. Teacher Qualifications

(a) Teachers must hold valid teaching certificates appropriate to the grade level(s) or subject area(s) included in the programming.

(b) Each teacher of a state-funded gifted and talented course or class shall have completed a gifted and talented endorsement program approved by the SCDE. There are three levels of educator credentialing for gifted and talented: beginning endorsement, intermediate endorsement, and certification. The minimal credential level required will be established by the SCDE.

(1) Exception 1: Newly assigned teachers will have one year to meet gifted and talented endorsement requirements.

(2) Exception 2: Teachers who have a master's degree or higher in gifted education from an accredited Institution of Higher Learning may have this requirement waived upon approval of credentials by the SCDE.

#### 2. Professional Development

Appropriate, data-driven and research-supported ongoing staff development activities in gifted and talented education shall be provided and documented annually as required in the annual reporting required by the SCDE.

#### D. Reporting

1. Districts will report to the SCDE information, which includes, but is not limited to, student eligibility, screening, and referrals. Districts will annually collect and maintain, district statistical data on (1) the number, by race, of students referred for evaluation for eligibility for gifted and talented education services; (2) the number, by race, of students determined eligible for services; (3) the number, by race, of students actually served during the school year; and (4) the number, by school, by grade, by race, by model, of students actually served during the school year through the required statewide database as designated by the SCDE.

2. Districts shall review annually the performance of gifted and talented students on the state-approved assessment, AP exams, IB exams, SAT, ACT, and similar college entrance tests. Districts shall summarize the performance of gifted and talented students on these assessments and report trend data to the SCDE annually. These data will be disaggregated demographically and reported annually to the General Assembly.

3. Official enrollment reports to be used for funding purposes shall be submitted at the end of the 135-day enrollment period and shall be adjusted by the 45-day enrollment period or the year receiving funding. The enrollment reports shall be submitted on forms to be furnished by the SCDE.

#### E. Funding

##### 1. Allocation of Funds

The SCDE will annually calculate each district's allocation based on the number of gifted and talented students projected to be served in each district as it relates to the total of all such students in the state. Unobligated funds, which become available during the fiscal year (July 1-June 30) will be redistributed to serve additional eligible students.

##### 2. Distribution of Funds

School districts will be authorized to expend allocated funds on students meeting the eligibility criteria of prior regulations and students meeting the eligibility criteria and being served in approved programming. Distribution of funds will be made periodically with a final adjustment occurring at the end of the 135-day attendance reporting period for regular academic programming.

##### 3. Base Allocation for School Districts with Small Enrollments

School districts identifying and serving, according to the State Board of Education Regulations, forty students or less shall receive a minimum funding of \$15,000 for academic programming.

#### F. Expenditures and Accounting Procedures

1. State funds provided for gifted and talented programming must impact directly on students served in accordance with provisions of the State Board of Education Regulations. Accounting procedures shall conform to those outlined in the Financial Accounting Handbook issued by the SCDE. The entire allocation must be used directly for gifted and talented related expenditures.

2. A supplemental schedule shall be required in the school district's annual audit under the single audit concept.

### III. ARTISTIC

#### A. Programming

1. Districts shall develop a written plan to include the following artistic requirements:

(a) differentiated curriculum, instruction, and assessment that maximize the potential of the identified students;

(b) support services that facilitate student learning and personalized education (e.g., assistive technology, guidance, artistic support, staff development, artistic competition, independent study, and online courses);

(c) programming models that facilitate the delivery of differentiated curriculum and instruction;

(d) a teacher-pupil ratio that fosters positive results;

(e) appropriate and sufficient time in instruction to assure that the goals and objectives of the programming are met; and

(f) systematic assessment of student progress and programming effectiveness relative to goals.

2. To provide curriculum, instruction, and assessment that maximize the potential of the identified students, educational programming for the artistic gifted and talented students must reflect the following characteristics:

(a) content, process, and product standards that exceed the state-adopted arts standards for all students and that provide challenges at an appropriate level for the strengths of the individual students;

(b) goals and indicators that require students to demonstrate depth and complexity of knowledge, creative and critical thinking skills, and problem-solving skills;

(c) instructional strategies that accommodate the unique needs of gifted and talented learners;

(d) opportunities for global communication and research using available technologies; and

(e) evaluation of student performance and programming effectiveness as related to the goals of the programming submitted in the local gifted and talented five-year plan.

#### 3. Programming Models

(a) Visual and performing arts programming may be offered during the regular school year or during the summer for grades one through twelve. Visual and performing arts programming shall focus on creative expression in one or more of the following areas: dance, theatre, music, and/or visual arts. A diversified arts programming encompassing the disciplines of dance, theatre, music, and visual arts may be offered in grades one through six. (A diversified programming is one in which students take a variety of disciplines, typically in a summer programming.) The programming models are in-school programming, after-school programming, summer programming, Saturday programming, and consortium programs. Combinations of the approved programming models are also acceptable.

(b) A school district may elect to serve students in any of the models through consortium agreement with other school districts.

#### 4. Length of Time in Models

Academic School Year  
(In-school, after-school, and Saturday Programming)  
Grades Minimum Minutes Per Year

1-3	4500
4-8	7200
9-12	8100

Summer Programming (30 days in length)  
Saturday Programming (minimum 30 Saturdays)  
Grades Minimum Hours Per Day

1-3	2 1/2 hours
4-8	4 hours
9-12	5 hours

5. Teacher-Pupil Ratios: an appropriate teacher-pupil ratio fosters positive results. Districts should reference the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for further information.

#### B. Identification of Population to be Served

1. The purposes of identification are (1) to find students who display talent beyond that of their peers in one or more artistic areas (dance, music, theatre, and visual arts); (2) to assess the aptitudes, attributes, potential, interests, and artistic behaviors of each student; and (3) to evaluate each student for the purposes of referral.

2. Gifted and talented students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations with physical disabilities, learning disabilities, or behavioral problems.

C. Identification/Selection is a three-step process, which consists of referral/recommendation, demonstration/audition/portfolio, and placement.

#### 1. Referral Procedures

(a) Students may be referred by a teacher, administrator, parent, self, or a peer using a SCDE-approved instrument appropriate to the visual and performing arts area, to include creativity and expressive qualities. The referral should be used to identify students who have an aptitude for the arts and may benefit from intense exploration and in-depth study in one or more of the arts. The initial referral does not itself guarantee placement.

(b) Districts shall include the following procedures in the referral process:

(1) provide all parents/guardians with effective, written notice of the gifted and talented education programming, referral procedures, and eligibility requirements;

(2) implement processes for identifying artistically gifted and talented from all student populations;

(3) provide training/guidance regarding characteristics of the artistically gifted and talented for teachers and other district staff involved in the identification process;

(4) use referral criteria and procedures that are directly related to the purpose of the artistically gifted and talented programming; and

(5) reference the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for the referral process.

(c) Assessment for Eligibility

Districts shall establish a review team comprised of at least three individuals to include an arts teacher, an administrator, and a community person with experience in the arts. In the event all three categories cannot be represented, more than one member may be chosen from one of the three categories. The team shall ensure that all assessment instruments/measures are reviewed for bias and accurately assess the abilities/skills/potentials intended to be measured and, to the extent that subjective assessment criteria are used, that those individuals conducting the assessment are trained to ensure proper evaluation.

## 2. Recommendation Form

(a) A recommendation form, which may be combined with the referral form, consisting of a checklist to assist with identifying the gifted and talented artistic student will be completed by the dance teacher, the physical education teacher, the classroom teacher, the theatre teacher (or the classroom teacher in the elementary school or middle school if the middle school does not have a theatre teacher), the music teacher, or the visual arts teacher.

(b) A teacher should base responses to the checklist on student behaviors that were observed throughout the school year.

(c) Districts should refer to the most current edition of the *South Carolina Gifted and Talented Best Practices Manual* for recommendation forms and checklists.

## 3. Demonstration/Audition/Portfolio

(a) The demonstration/audition/portfolio should enable the evaluation-placement team to determine a student's artistic potential to function at a high level in one or more of the arts.

(b) The demonstration/audition/portfolio must also include either a student interview or questionnaire to assist the evaluation-placement team in determining suitability for placement. At the discretion of the district, guidelines may be established for electronic or other forms of demonstration/auditions/portfolio.

(c) Students will be rank ordered using results from the demonstration/audition/portfolio and the student interview or questionnaire.

(d) Parents of referred students may decide not to proceed with the demonstration/audition/portfolio.

#### 4. Placement

(a) The placement of gifted and talented students should be the responsibility of the evaluation-placement team comprised of one member of the arts faculty or district arts staff, an administrator, and an additional member from the community who has expertise in the arts area for which the student has been referred. In the event all three categories cannot be represented, more than one member may be chosen from one of the three categories.

(b) The evaluation-placement team shall interpret and evaluate student data in such a way that will insure appropriate placement. The team may require additional assessment before determining student placement. Placement may involve a trial period for at least one semester but not more than one year. Students whose progress within the programming is not deemed adequate by the team may be withdrawn from the programming.

(c) The team will be responsible for developing appropriate written procedures for removing a student from the gifted and talented programming. Removal from the programming must be preceded by appropriate counseling with the student and conferences with the student's parents and teachers. Records of any assessment and evaluative measures and other student information must be maintained in a confidential manner.

#### D. Staff

1. Teacher Qualifications for Visual and Performing Arts Programming: Teachers must hold a valid teaching certificate appropriate to the grade level(s) or subject area(s) included in the programming. Professionals in the visual and performing arts may teach in the gifted and talented programming if serving in the programming under the supervision of the appropriate district personnel.

2. Professional Development: Appropriate, ongoing staff development activities related to serving gifted and talented students shall be provided by the district annually.

#### E. Reporting

1. Districts will report to the SCDE information that includes, but is not limited to, student eligibility and referrals. Districts will annually collect and maintain district statistical data on (1) the number, by race, of students referred for evaluation; (2) the number, by race, of students determined eligible for services; and (3) the number, by race, by school, by grade, by arts area, of students actually served during the school year.

2. Official enrollment reports shall be submitted annually on appropriate SCDE forms.

3. Districts will submit a local gifted and talented programming plan every five years and delineate progress on these plans annually. The SCDE will review the plans annually and provide written feedback to the districts. The SCDE will provide a format and template for the plans.

F. Funding

Distribution of Funds: School districts will be authorized to expend allocated funds on students meeting eligibility criteria and being served in approved programming. Programming initiated prior to June 30 will be funded from that fiscal year's allocation.

G. Expenditures and Accounting Procedures

1. State funds provided for gifted and talented programming must impact directly on students served in accordance with provisions of the State Board of Education Regulations. Accounting procedures shall conform to those outlined in the Financial Accounting Handbook issued by the SCDE. The entire allocation must be used directly for gifted and talented related expenditures.

2. A supplemental schedule shall be required in the school district's annual audit under the single audit concept.