



**National Association for Gifted Children**  
1331 H Street, NW, Suite 1001  
Washington, DC 20005  
(202) 785-4268  
www.nagc.org

May 16, 2016

TO: Chief State School Officers  
FROM: M. René Islas, Executive Director  
RE: Requirements in Every Student Succeeds Act about Gifted Learners

For the first time, the learning needs of gifted and talented students are addressed in federal K-12 education law, through the Every Student Succeeds Act (ESSA). Please share information on these important changes with school district leaders and other key stakeholders across your state.

Gifted and talented students have unique learning needs that require specialized instruction. Unfortunately, not all schools offer specialized services and often lack teachers and leaders with training in gifted education strategies on whom general and special education teachers may rely for assistance in responding appropriately to student needs. As a result, many high-ability students, particularly those whose ability may be difficult to identify, never soar to the heights of their potential.

The U.S. Congress seeks to address the needs of gifted children through changes in the use of Title I and Title II funds and through changes to state and local report cards. Additionally, provisions in ESSA allowing computer adaptive assessments for state accountability purposes may also have a positive impact on how your state serves its most advanced students.

### **Title I**

ESSA now **allows Title I funds to be used to support gifted and talented learners in poverty**. Many of these high-ability students are overlooked for services or are in school settings where advanced coursework and services are not available. States may encourage districts to leverage Title I funds to identify these gifted students in poverty and provide them a more appropriate and challenging curriculum. Title I funds could support the purchase of assessments designed for English learners or placement of gifted education specialists in Title I schools to support general and special education teachers in the classroom.

### **Title II**

Although a majority of gifted students are placed in the general education classroom, few teachers have received more than a few clock hours of pre-service training on the nature and needs of gifted and talented students, making professional development opportunities even more important to their ability to spot and support advanced ability. **ESSA requires that state Title II grant applications address how the state will ensure that teachers and other school leaders are able to identify gifted and talented students and provide instruction tailored to their needs. Additionally, districts receiving Title II funds are required to address the learning needs of gifted and talented students.** The new requirements will

help ensure that more teachers are able to provide appropriately challenging instruction for advanced students.

### **State and Local Report Cards**

Changes to the state and local report cards will draw attention to advanced achievement on the state assessments. Under ESSA, **districts and states will report student achievement at each achievement level, disaggregated by student group**. This newly reported data will shed light on which students are achieving at the advanced level and may result in needed attention to disparities in student access to advanced coursework and gifted education programming. This new data will support education leaders to address achievement gaps among student groups at the top end of the achievement spectrum.

### **Computer Adaptive State Assessments**

In a related desire to generate information that will be useful for instructional decision making, Congress included a new provision in ESSA that **allows states to develop and use computer adaptive assessments for state accountability purposes**. As you know, these types of assessments can measure student mastery of above-grade level standards and could help pinpoint what students already know, allowing schools to accelerate students or compact instruction so that they do not languish in a classroom repeating content they have already learned.

Taken together, the gifted student-supportive provisions in ESSA will allow state and local leaders to make critical instructional decisions based on newly available data, to plan teacher learning that addresses concerns based on the data, and consider ways to change attitudes, expectations, and opportunities for low-income, high-potential students.

NAGC looks forward to working with you to fully and effectively implement these new provisions. Attached for your convenience is the specific text from ESSA that supports gifted and talented students. Please do not hesitate to contact me at [mrillas@nagc.org](mailto:mrillas@nagc.org) or 202-785-4268 if you have questions or if NAGC can be of assistance.

# Gifted Education Provisions in Final Version of ESEA – the Every Student Succeeds Act

(page #s refer to "[FINAL conference report](#)" dated Nov 30, 2015)

## TITLE I – Improving Academic Achievement of Disadvantaged Students

### Disaggregation of student achievement data at each achievement level on state & local report cards

Sec. 1111. State Plans (p 38)

(h)(1)(C) minimum requirements for state report cards (p 115)

(ii) **For all students and disaggregated by each subgroup of students** described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) **at each level of achievement**, as determined by the State under subsection (b)(1). (pp 117-118)

(h)(2)(C) Local Education Agency Report Cards Minimum requirements (same as required for state report cards) (p 125)

### Local Education Agency Plans may include information specifically about identifying and serving gifted and talented students

Sec. 1112. Local Education Agency Plans (p 131)

(b) Plan Provisions (p 134)

(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, **which may include** how the local educational agency will—

(A) assist schools in identifying and serving gifted and talented students;

(p138)

### States using computer adaptive assessments

Sec. 1111(b) Challenging academic standards and academic assessments (p 47)

(b)(2) Academic assessments (p 52)

(b)(2)(J) Adaptive Assessments (pp 73-76)

(J) ADAPTIVE ASSESSMENTS.—

(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

(II) such assessment—

(aa) shall measure, at a minimum, each student's academic proficiency based on the challenging State academic standards for the student's grade level and growth toward such standards; and

(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under subsection (c).

(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's academic achievement to measure, in the subject being assessed, whether the student is performing at the student's grade level; and

(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including sub-paragraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's language proficiency, which may include growth towards such proficiency, in order to measure the student's acquisition of English.

Sec. 1201(a) State Assessment Grants authorized (p 206)

(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(p 209)

## **Title II – Professional Development**

### **Including needs of gifted learners required in state Title II plans**

Sec. 2101 Formula Grants to States (p 308)

(d)(2) (p 326) State Application Contents: Each application described under paragraph (1) **shall include** the following:

(J) A description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to **enable them to identify** students with specific learning needs, particularly children with disabilities, English learners, **students who are gifted and talented**, and students with low literacy levels, **and provide instruction based on the needs of such students.**

(p 328)

### **Local education agencies including needs of gifted learners with Title II funds**

Sec. 2103. Local Uses of Funds (p 335)

(b)(2) Types of **required** activities (p 336)

(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—

(2) **shall address** the learning needs of all students, including children with disabilities, English learners, and **gifted and talented students**; and

(b)(3)Types of **permissible** activities (p 336)

(3) may include, among other programs and activities—

(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

- (i) early entrance to kindergarten;
- (ii) enrichment, acceleration, and curriculum compacting activities; and
- (iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

(p 343)