

Connecting

for high potential



NATIONAL ASSOCIATION FOR
Gifted Children

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NAGC receives similar questions from teachers and parents; however, rarely is there an opportunity to explore how the “other side” might face the issue. Interestingly, both groups benefit from the same information even though they look at it from different perspectives and have different roles to play in helping gifted children reach their potential. Our ongoing goal is for teachers and parents to develop a broader understanding of their students’ potential and thus create stimulating learning environments.

This month’s topic: “Rights? Gifted Students? The Law? What should I know?”

A Teacher’s View

Here come the parents and I see they have a stack of papers. It started with an email last week. Their daughter, Margaret, is having trouble in all of her middle school classes, except mine. I asked them to come in this week to discuss possible solutions. They want to know what rights she has as an identified gifted and talented student. Having recently moved here from a neighboring state, they have found we don’t have the same services offered in their old school system. Apparently she is not “gifted” here.

Margaret has stated that I am the only teacher who will “listen” to her, offering her choice in project type and interest in research area, and so her parents thought I could be of some help.

I have a Masters in G/T Education, so I was able to offer several resources for them to explore. But that doesn’t mean it’s smooth sailing. Margaret has three other teachers, not one of whom has any training in G/T. Our district doesn’t offer services for students nor funding for professional development. Help!

A Parent’s View

I can’t decide if I’m angry, frustrated, or just plain terminally sad. We sent our son, Sam, off to school with high hopes. In those beginning days, we didn’t know about twice-exceptionality (gifts along with learning disabilities) – Sam’s great with numbers, but he has real troubles getting things on paper. Now, with a new teacher, he’s not only struggling with academics, he’s also having behavior problems.

We met with the school counselor who told us that his needs could be met in the regular classroom and we shouldn’t be so concerned. Unfortunately we know the counselor is simply not correct. It IS time to worry. No matter how we’ve tried to convince the teacher that our son really will pay attention when he’s challenged, she tells us he’s not a candidate for G/T programs, according to her checklists. Plus she can’t deviate from the established curriculum.

The principal supports the teacher. What are our options? Does the law provide recourse? Who can help us? What steps can we take?

There are several risks when invoking “legal rights” to demand appropriate programming for gifted children. The most obvious issue is it immediately creates an adversarial situation. More pertinent is that trying to “make” a school provide for a gifted child through legal process is a difficult task. It’s far more effective to argue for the best interests of a child within the context of existing policy (while, of course, working to expand and strengthen policy) than it is to argue on the basis of abstract principle.

Here are some sobering facts: There is no federal mandate that explicitly protects the rights of gifted learners, although some gifted children who have been identified as disabled, are able to secure GT services through the individualized educational plan (IEP) process provided in IDEA. State law (which varies greatly on the issue of specialized learning for gifted students) has been used only rarely to successfully litigate for gifted programs. The most immediate recourse to argue educational rights for gifted children is through administrative hearing/review officer decisions based on individual state statutes, regulations, and/or district policies. This can be a long, protracted, frustrating process, which is why savvy parents and teachers never cease advocating within their local communities, districts, and schools. They find ways to help gifted programs through “side doors” by building positive awareness of the many faces and many needs of giftedness.

In states that include GT students in the broader term “exceptional,” families may have some additional strategies to ensure that twice-exceptional children receive services for both their gifts and their disabilities. The plan should contain a gifted component that addresses talent development objectives and services. For a better understanding of the complexities, read “A Family’s Struggle to Achieve Justice in Education” from the *2e: Twice-Exceptional Newsletter*, posted with permission on the NAGC website at: <http://www.nagc.org/uploadedFiles/Publications/CHP/Fighting%20for%20FAPE%20link%20from%20May%202009%20CHP.pdf>

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1. Advocacy 101

AT SCHOOL

- It's not unusual for teachers to feel overwhelmed by the needs of high-ability learners in their classrooms, especially if they haven't benefitted from professional development opportunities in their districts. What has your district offered that relates to teaching gifted learners? Find out. Then, explore your state gifted education association for upcoming opportunities. www.nagc.org/index.aspx?id=609
- A visit to Gifted Education Works on the NAGC website: www.nagc.org/index.aspx?id=566 will provide a level of comfort for teachers looking to strengthen their knowledge of successful practices.
- Successful advocacy for your students starts with you! Work with parents to help them become familiar with The Big Picture at www.nagc.org/index2.aspx?id=532

AT HOME

- Do gifted students have any rights because they are "gifted"? Only through their individual state statues, regulations, or past published decisions. Download the NRC/GT's monograph The Law on Gifted Education at: www.gifted.uconn.edu/nrcgt/nrconlin.html#05178
- Parents do have a legal right to review cumulative files with a counselor or coordinator. This can help inform and guide educational choices.
- *NAGC's Mile Marker Series™* is designed to help parents find the information they need, when they need it. Materials and resources in Mile Marker #3 offer information about how to reach out to others when advocating for individual gifted children. You can download and share articles like "Parents and the Legal Rights of Gifted Children." Read more at: www.nagc.org/index.aspx?id=3546

2. Role Models and Mentoring

AT SCHOOL

- Share what you know! If you are the one in your school with knowledge about where to find GT resources, it is your responsibility to spread the word to your colleagues. Be creative. Check out the article "Re-thinking Staff Development: The Power of Coaching" from the Winter 2007 issue of *Teaching for High Potential* at: www.nagc.org/uploadedFiles/THP/THP_Issues/THP2007WinterIssue.pdf.
- Volunteer to give an interactive presentation or workshop on gifted as part of a professional development day at your school. NAGC's educator section provides a great place to start! www.nagc.org/index.aspx?id=49

AT HOME

- Parents who have successfully advocated for their children offer this tip – Don't be hampered by the things you can control. Being well prepared is key: Collect accurate information, keep strong emotions in check, find others who have experienced similar situations, and try to build collaborative rather than adversarial relationships.
- The Dec. 2008 issue of *Parenting for High Potential* is rich with collected wisdom about how to successfully influence change. Read "Dancing Towards District Advocacy" and "Advocating for Our Future" from that issue at: www.nagc.org/index.aspx?id=1180

3. Keep Learning!

AT SCHOOL

- Encourage your school to send a team to regional conferences and spread the word by offering to return with a report. Consider including a parent in your planning and discussion, allowing others to see how educators and parents can benefit when they work and learn together.
- Find more colleagues. If you are not a member of your state or national gifted education association, become one. www.nagc.org

AT HOME

- For background, check the book *Gifted Children and Legal Issues: An Update* (Great Potential Press).
- Learn how to negotiate. There are excellent models in the field of special education. As you read, think of adaptations to meet your needs. See *From Emotions to Advocacy* (Wright's Law) and the *Special Needs Advocacy Resource Book: What You Can Do Now to Advocate for Your Exceptional Child's Education* (Prufrock Press).

"A positive attitude may not solve all your problems, but it will annoy enough people to make it worth the effort."

--Herm Albright (1876 – 1944)