



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: February 26, 2019

SUBJECT: COMAR 13A.04.07
Gifted and Talented Education
PERMISSION TO PUBLISH MODIFIED REGULATION

PURPOSE:

The purpose of this action is to review comments on the amendments to COMAR 13A.04.07 *Gifted and Talented Education* which were published in the Maryland Register and to consider a proposed modification of the amended regulations.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The following language was included in Maryland’s Consolidated Every Student Succeeds Act (ESSA) plan: “The State intends to take steps to add ‘gifted and talented students’ as an additional student group by the end of the school year 2017-18.” The proposal to define gifted and talented (GT) students based upon the COMAR that was presented to the State Board on June 20, 2018 and September 25, 2018 stated:

Gifted and talented students are those identified by local school systems according to COMAR 13A.04.07.02 (Identification of Gifted and Talented Students) and receiving services according to COMAR 13A.0.07.03 (Programs and Services).

Following review of GT identification procedures in each local school system and discussion at the June 20, 2018 and September 25, 2018 State Board meetings, recommendations to strengthen the language were incorporated into the amended COMAR presented to the State Board on October 23, 2018. The State Board granted permission to publish and the regulations were published from December 21, 2018 to January 22, 2019 in the Maryland Register.

The MSDE received 64 comments. Each correspondence was reviewed, and stakeholder recommendations were summarized on the attached chart along with 13 complete letters. Based on the comments received during publication of the regulations, the MSDE recommends one revision to the amended regulations.

EXECUTIVE SUMMARY:

The amendments to COMAR 13A.04.07 strengthen the regulation and include mandates and accountability with the goal of more equitable and consistent identification and programs for GT students in the State. The amendments mandate GT identification at multiple grade bands and that local school systems implement programs and services from an MSDE list of approved programs. The regulation builds in additional accountability, including peer review and annual reports to the State Board.

Based on review of the input from stakeholders, 57 of 64 comments object to the mandate to identify at least 10 percent of students in each school. As suggested by 28 of those 57 comments, the MSDE recommends the following revision to 13A.04.07.02D:

FROM: "A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3."

TO: "A universal screening process shall be used to identify students in every school and at least 10 percent in each local school system, as early as possible, but no later than Grade 3."

The modification is determined by counsel to be substantive; therefore, if accepted by the State Board, the amended regulations must be published again for public comment.

ACTION:

Request permission to publish modified amendments to COMAR 13A.04.07 *Gifted and Talented Education*.

Attachments:

COMAR 13A.04.07 *Gifted and Talented Education* with suggested revision
Summary of public comment

Title 13A
STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECT

Chapter 07 Gifted and Talented Education

.01 Purpose.

Gifted and talented students are found in all Maryland schools and in all cultural, ethnic, and economic groups. The intent of this chapter is to provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services needed to develop these students' full potential. These regulations establish the minimum standards for student identification, programs and services, professional [development] *learning*, and reporting requirements.

.02 Identification of Gifted and Talented Students.

A. Each local school system shall establish [a] *an equitable* process for identifying gifted and talented students as they are defined in Education Article, §8-201, Annotated Code of Maryland.

B. (text unchanged)

C. The identification process shall use *universal screening and* multiple indicators of potential, [aptitude] *ability*, and achievement *from an annually reviewed Maryland State Department of Education approved list of assessments and checklists*.

D. [The identification process] *A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3. A universal screening process shall be used to identify students in every school and at least 10 percent in each local school system, as early as possible but no later than Grade 3. Additional identification shall occur at the 3—5 and 6—9 grade bands for participation in the programs and services described in Regulation .03 of this chapter.*

[E. Each school system shall review the effectiveness of its identification process.]

[F.] E. Each school system shall [consider implementing an identification process that]:

(1) [Documents] *Document* early evidence of advanced learning behaviors, PreK—2;

(2) [Includes procedures] *Develop equitable policies* for identification and a process for appeals that are clearly stated in writing, made public, and consistently implemented systemwide; [and]

(3) *Review the effectiveness of its identification process; and*

[(3)] (4) [Provides] *Provide* ongoing professional [development] *learning* for [school staff] *teachers, administrators, and other personnel* in the *identification procedures*, characteristics, *academic, and social-emotional* needs of gifted and talented students.

F. *The Department shall:*

(1) *Review and approve each school system's identification process to ensure compliance with this regulation; and*

(2) *Provide a Maryland's Model of Gifted and Talented Education: Maryland Gifted and Talented Student Identification Requirements document that includes available State-mandated achievement assessments for gifted and talented screening for adoption by school systems without an approved identification process.*

.03 Programs and Services.

A. Each school system shall provide different services beyond those normally provided by the regular school program *from an annually reviewed Maryland State Department of Education approved list of programs and services* in order to develop the gifted and talented student's potential. Appropriately differentiated, *evidenced-based* programs and services shall accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning.

B. (text unchanged)

C. Each school system shall [consider implementing] *implement* programs and services for gifted and talented students that:

(1) Provide a continuum of appropriately differentiated *curriculum and evidence-based* academic programs and services in grades PreK—12 during the regular school day for identified gifted and talented students.

(2)—(3) (text unchanged)

.04 Professional [Development] *Learning*.

A. Teachers and other personnel assigned specifically to work with students who have been identified as gifted and talented shall engage in professional [development] *learning* aligned with the competencies specified by the Gifted and Talented Education Specialist certification in COMAR 13A.12.03.12.

B. (text unchanged)

.06 *Monitoring and Reporting Requirements*.

A. [Local] *Beginning September 1, 2019, local* school systems shall [in accordance with Education Article, §5-401(c), Annotated Code of Maryland, report in their Bridge to Excellence Master Plans] *report* their *identification process, continuum of programs and services, and data-informed* goals, *targets, strategies,* [objectives,] and [strategies regarding the performance of gifted and talented students along with] timelines [for implementation and methods for measuring progress] *regarding the performance of gifted and talented students in their consolidated local Every Student Succeeds Act (ESSA) plan.*

B. *Beginning September 1, 2019, the Maryland State Department of Education shall:*

(1) *Facilitate a peer-review of local school systems' gifted and talented identification, programs, and services every 3 years; and*

(2) *Submit an annual report on the status and progress of gifted and talented students in Maryland to the State Board of Education.*

Comments regarding COMAR 13A.04.07 Gifted and Talented Education
Published in the Maryland Register December 21, 2018 through January 22, 2019

Submitted by	Excerpted Comments
<p>Brad W. Young, President, Board of Education of Frederick County</p> <p>Submitted on behalf of the Board of Education of Frederick County</p>	<p>Complete letter attached</p>
<p>Donald C. Counts, Member of the MD State Advisory Council on Gifted and Talented Education</p>	<p>A universal screening requirement is a welcome and long-overdue change. But I am concerned that a school-specific percentage requirement will create a flexible and inconsistent set of expectations for our students. Theoretically, a student could be identified as GT in one school but become ineligible for GT instruction if he or she transfers to a different school.</p> <p>Conversely, there is nothing to prevent a traditionally high-performing school from identifying a much larger percentage – if not a majority – of its students. In this manner, it is easy to envision the GT disparities among schools persisting. I assume the intent of the current proposal is to foster equity among students who are identified as GT, and I wholeheartedly support this goal. But I do not believe flexible standards will, in the long run, do anything to alleviate our persistent excellence gap in GT education. Sadly, in some of our schools the highest-performing 10% of students are functioning at or below grade level. This is not acceptable, and we have a moral imperative to address and correct this inequity. But in my opinion, the proposed amendment will do neither. I am concerned we will create an “expectations gap” if we move forward with the proposed amendment. I believe a more tenable solution is for each school local school system (LSS) to identify a percentage of students districtwide as GT. (Whether this should be 10% is another matter. Any percentage threshold should be grounded in GT research.)</p> <p>The current amendment also requires three GT identification opportunities: one no later than third grade, a second identification between grades three and five, and a third between grades six and eight. An identification that occurs in fifth grade will help inform instruction in middle and high school. A third identification seems superfluous and redundant. The cost of a third battery of assessments and data collection would be difficult for some of our districts to sustain.</p>
<p>Diana Mitchell, Ed.D., Superintendent, Dorchester County Public Schools (DCPS)</p> <p>Submitted on behalf of DCPS</p>	<p>Complete letter attached</p>
<p>Dennis D. Jutras, Co-Chair, Maryland Advisory Council on Gifted and Talented Education (GTAC)</p> <p>Submitted on behalf of Maryland GTAC</p>	<p>Complete letter attached</p>

Submitted by	Excerpted Comments
Jonathan A. Plucker, Ph.D. Johns Hopkins University and President-elect, National Association for Gifted Children	Complete letter attached
Kelly Sokol, English Language Acquisition teacher, Anne Arundel County Public Schools	<p>I would like to recommend some of the following to ensure that the full purpose of GT is met equitably across school districts in Maryland:</p> <ul style="list-style-type: none"> • .02C includes specific language to address alternate MDSE approved list of assessments and checklists for English Learners (such as significant growth in WIDA scores beyond what is typically expected year-over-year) • .02F4 Professional development as created includes training on the identification of English Learners who may qualify for GT using alternate assessments and checklists.
Kimberly McAllister, parent	<ul style="list-style-type: none"> • The wording “shall consider” should be changed to “shall” ensuring this unique population of students consistently receive appropriate instruction and resources. • All identification should occur no later than third grade. • The State BOE added language that I find problematic. The amendment states each school must identify at least 10% of its student population as GT. This could potentially be problematic due to the possibility that a student could be identified as GT at one school, but become ineligible for GT instruction if they move to a different school. I believe the percentage should apply to the entire district and not each school. • I am pleased to see an intentional focus on the needs of GT students, and believe many of the proposed changes will improve the integrity and consistency of GT programs. I understand the state BOE’s desire to increase student access to gifted education, but I am concerned that creating inconsistent guidelines based on school-based norms will not address the achievement gap or the excellence gap.
Daniel D. Curry, Ed.D. PSSAM President and Superintendent of Schools, Calvert County Public Schools Submitted on behalf of PSSAM	Complete letter attached
William J. Barnes, Chief Academic Officer, Howard County Public Schools Submitted on behalf of the Howard County Public School System	Complete letter attached

Submitted by	Excerpted Comments
<p>Penny Zimring, President; Theresa Jackson, Vice- President; Debbie Blum, Treasurer; and Wendy Ingalls, Secretary, Maryland Educators of Gifted Student (MEGS)</p> <p>Submitted on behalf of MEGS</p>	<p>Complete letter attached</p>
<p>Karin Tetzlaff Averbeck, parent</p>	<p>Please change the provision .02D TO REQUIRE GT IDENTIFICATION of top 10% in each local school SYSTEM (NOT by school).</p>
<p>Katherine C. Rigler, Member of the MD State Advisory Council on Gifted and Talented Education</p>	<p>This comment is written in strong support of COMAR 13A.04.07, with the recommendation that .02D be changed to require that "A universal screening process shall be used to identify students in every school and at least ten percent in each district as early as possible but no later than Grade 3..."</p> <p>It is important that Maryland school systems use a universal screening process with all students. However, .02D as written is too arbitrary. It would not help the learning or success of a student whose needs would be met by the general education curricula to be thrust into gifted programs, where that student is not likely to be successful, in order to meet the requirement of "ten percent gifted in every school." Districts should be required to identify at least ten percent across the district.</p>
<p>Connie M. Donahue</p>	<p>I have a comment about provision .02D, however. As you know, it requires that a universal screening process be used to identify as gifted and talented at least 10% in each school. This requirement incorrectly assumes that at least 10% of students in each school are in fact gifted and talented. It is certainly possible - indeed probable - that some schools have less than 10% of gifted and talented students. Some might even have no students who can be so identified. I believe that if the goal is to identify only students who are truly gifted and talented, then capturing a required minimum of 10% will not achieve it. Identifying 10% of each local school district might be more effective, but it would not eliminate the shortcoming of the process.</p>
<p>Ranjay Singh</p>	<p>I SUPPORT GIFTED and Talented SCIENCE or other programs, please use some of our TAX money and spend on our kids and help them compete in the global economy so they grow up proud being part of MARYLAND and such institution and initiatives.</p>
<p>Julie F. Skolnick, M.A., J.D., Member of MD State Advisory Council on Gifted and Talented Education</p>	<p>I fully support changing provision .02D from the requirement to identify as gifted and talented 10% in each school to a requirement to identify 10% in each local school system.</p>
<p>Katherine Seman, Talented and Gifted Teacher, Wicomico County Public Schools</p>	<p>I believe there seems to be a lot of inconsistencies across the state both in programming as well as identification procedures. I have also noticed trends in terms of who the gifted children are and I believe a lot of students who are gifted are not being identified. I love that Wicomico County uses a universal screening for students entering the 3rd grade and I know we have identified students that wouldn't otherwise qualify for gifted services as a result of using a universal screening! I have some</p>

Submitted by	Excerpted Comments
	concerns about .02.D where each school would need to identify at least 10% of the students. Personally, I believe this can cause a lot of issues with identification measures not being consistent across the board.
Boyd J. Michael, III, Ed.D., Superintendent of Schools, Washington County Public Schools (WCPS) Submitted on behalf of WCPS	Complete letter attached
Melanie Lynn Carter	<p>As currently proposed, there is no explicit language that includes talent development, which, I trust you will agree, is a fundamental component and precursor to gifted and talented identification. Talent development is also a non-negotiable when advancing an equitable identification process involving universal screenings and multiple indicators. While my suggestions explicitly name talent development in the Statement of Purpose, other suggestions allude to talent development:</p> <ul style="list-style-type: none"> • inserting the phrase “recognize and nurture students’ potential” (Programs and Services) • removing the phrase “as early as possible” in recognition that the early learning years (0-7) are a unique stage of human development and require developmentally appropriate experiences & observations supportive of asynchronous development • expanding the phrase in 02.F E.1 to read, “behaviors indicative of advanced thinking and learning” <p>The second point is to stress the indisputable importance of an equitable Gifted and Talented Identification Process that relies on universal screening and multiple indicators. The proposed amendment that mandates that, “at least 10 percent” not only ignores the human element and reduces the individual to a number or statistic; it strongly implies that the equitable Gifted and Talented Identification Process is flawed from the onset. My edited suggestion removes the “at least 10 percent” clause. A valid and reliable process, enhanced through talent development programming and highly trained staff, eradicates any need for artificial, arbitrary, mandated percentages.</p>
Reema Jalali, parent	I strongly support Maryland continuing its curriculum support of Gifted Education throughout the state.
Joyce DiRienzi	I am a little conflicted over whether a school district should identify 10% in each school or 10% district wide.
Sangita, Sakaria, parent	Change in provision .02D from the requirements to identify As gifted and talented At least 10% in each school to a requirement to identify at least 10% In each local school.
Board of Directors, Maryland Coalition for Gifted and Talented Education (MCGATE) Submitted on behalf of MCGATE	Complete letter attached

Submitted by	Excerpted Comments
Zamira S. Simkins, Ph.D., parent	<p>I am writing to support, with revisions, the proposed Maryland State Board of Education amendments to Regulations .01—.04 and .06 under COMAR 13A.04.07 Gifted and Talented Education. My proposed revisions are shown below in bold and underlined text:</p> <p>Revision 1: “Gifted and talented students are found in all Maryland schools and in all cultural, ethnic, and economic groups. The intent of this chapter is to provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services needed to develop these students’ full potential. These regulations establish the minimum standards for student identification, programs and services and eligibility criteria, professional [development] learning, and reporting requirements.” Justification for revision 1: In order to complete the GT education loop, from identification to placement in appropriate programs and services, it is critical to establish uniform eligibility criteria for GT programs and services. If the approved list of assessments and checklists is not linked to respective programs and services, MD students would continue to be treated unequally between and within counties. Unequitable treatment of students is also a problem within counties.</p> <p>Revision 2: “The identification process shall use universal screening and multiple indicators of potential, [aptitude] ability, and achievement from an annually reviewed Maryland State Department of Education approved list of assessments and checklists. All universal screening and assessment results shall be documented in writing and kept as student education records.” Justification for revision 2: Currently, accountability and compliance pertaining to universal screening varies. This results in an unequitable treatment of students.</p> <p>Revision 3: “[Includes procedures] Develop equitable policies for identification and a process for appeals, including deadlines for all parties and appeal decision criteria, that are clearly stated in writing, made public, and consistently implemented systemwide.” Justification for revision 3: Currently, local school systems have variable appeal processes and timelines. This puts some students on hold for months and years, without a timely resolution.</p> <p>Revision 4: “Annually review the effectiveness of its identification process to ensure its alignment with current evidence-based best practices.” Justification for revision 4: Since Maryland’s State Department of Education will be annually reviewing its approved list of assessments and checklists, local school systems should review their identification process annually as well. Further, as research on identification of gifted and talented students continues to develop, it is important that local school systems not only stay up to date on such developments but actually implement the latest best practices.</p> <p>Revision 5: “Provide a continuum of appropriately differentiated curriculum and evidence-based academic programs and services with adequate instructional time in grades PreK—12 during the regular school day for identified gifted and talented students.” Justification for revision 5: In some counties, particularly advanced gifted and talented students do not receive adequate instructional time.</p>
M. Catherine Fait, GT Liaison, Piney Branch Elementary School, Montgomery County Public Schools	<p>I am writing in support of the revision to Maryland regulation COMAR 13A.04.07 Gifted and Talented Education. This revision removes the “shall consider” language from the Rule so that early identification would now be a requirement for all Maryland school systems with support put in place to help implement this more inclusive educational step.</p>
Jeanne Paynter, Ed.D., Department of Graduate	<p>I am writing this letter in support of the proposed changes to COMAR 13A.04.07 Gifted and Talented Education. Overall, these changes strengthen the mandate to identify and serve this special population that remains underserved. However, I believe</p>

Submitted by	Excerpted Comments
and Professional Studies, McDaniel College	<p>that there is one loophole which needs to be closed. I strongly urge the State Board of Education to revise the provision 02.F.(2). The following summarizes the reasons for my support along with my concerns.</p> <p>I strongly support these COMAR revisions:</p> <ul style="list-style-type: none"> • 02A.C Universal Screening • 02A.C. Ability Assessments: The use of a standardized ability assessment is integral to equitable identification particularly among underachieving or twice exceptional students. The fact that most Maryland school systems do not now use ability assessments is tantamount to educational malpractice. No special educator would ever consider eliminating standardized ability assessments to rely on achievement and subjective measures to diagnose learning needs. • 02.D. 10% in each school identified by Grade 3. I understand that quotas are very controversial, but I also understand firsthand the intent behind this requirement. • 04A. Professional Learning continues to refer to COMAR 13A.12.03.12 Specialist in Gifted and Talented Education. <p>I have serious concerns about the following: 02F (2) Provide a Maryland’s Model of Gifted and Talented Education: Maryland Gifted and Talented Student Identification Requirements document that includes available State-mandated achievement assessments for gifted and talented screening for adoption by school systems without an approved identification process.</p> <p>I strongly urge the State Board of Education to revise the provision 02.F. (2) which allows school systems to essentially “opt out” of the requirements in section 02 Identification. Systems who fail to have an approved identification process are given an alternate route of using “state-mandated achievement assessments.” This nullifies the requirements of 02.A.C for universal screening using ability instruments and will not achieve the goal of equitable identification. State-mandated achievement instruments are not designed to identify gifted learning behaviors and aptitudes and they won’t, especially among the diverse populations that are underrepresented in gifted education programs. As a former state specialist in gifted education with 10 years’ experience reviewing Master Plans, I can predict that a majority of systems will go this alternate route. There is no “penalty” whatsoever for not having an approved Identification plan; in fact, there is an incentive to do so, given this alternative route of using state achievement assessments.</p> <p>Please reconsider 02F (2). Merely adding the statement State-mandated achievement assessments and approved ability assessments could close the loophole.</p>
Sarah Kim	I am writing to suggest a change in provision .02D from the requirement to identify as gifted and talented 10% in each school to a requirement to identify 10% in each local school system.
Carolyn Newton	I am writing to you to request COMAR .02D wording be changed from identifying 10% gifted in each school to identify 10% in each school system.
Jennifer Gaegler	<p>I am writing today in support of strengthening the COMAR Gifted and Talented program requirements overall. The proposed revised COMAR removes the “shall considers” optional nature of certain provisions of the original COMAR Gifted and Talented adopted in 2012 and makes these provisions a requirement for Maryland school systems and schools in order that all Maryland gifted and talented students in all populations will receive the education needed to help them develop to their full potential.</p> <p>Students don't "deserve" to be identified/served as gifted, they either need to be so identified or they don't. How such students are identified and served is not merely a function of ability/interest/effort, however. Two students can arrive at school equally gifted, but if one has had opportunities to learn skills/information that the other hasn't, they won't present the same way.</p>

Submitted by	Excerpted Comments
Eric Kringel	<p>First, the proposal to amend COMAR 13A.04.07 such that its provision become a requirement for school action rather than a guideline for consideration by each school or school system is a substantial improvement and important change to State policy. Making the directions of COMAR 13A.04.07 mandatory rather than advisory is an important step in ensuring that the needs of GT students throughout Maryland are acknowledged and met.</p> <p>Second, and no less important, the language in section .02D, which provides that, "[The identification process] A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3. Additional identification shall occur at the 3—5 and 6—9 grade bands for participation in the programs and services described in Regulation .03 of this chapter," is, in my opinion, ill-advised and undermines the laudatory goal of requiring that Maryland schools identify and appropriately serve GT students. In particular, the language requires that EACH SCHOOL identify at least 10% of students as GT students rather than requiring the identification of 10% of students as GT across EACH SCHOOL SYSTEM. A school-based identification rather than a system-based identification will necessarily and unavoidably reduce the differentiation between those identified as GT and the broader population of the school system.</p> <p>From an educational perspective, this would require that "GT" curriculum serve a much different and broader spectrum of developmental needs and a wider range of preparedness. As a result, those GT students with the greatest need for differentiated learning would continue to be under-served due to the system established for identifying them. Put more simply, those GT students with the greatest needs would likely continue to be identified as GT, but in practice they would still not receive the classroom environment and developmental challenges they require. Identifying GT students at EACH SCHOOL as opposed to across the SCHOOL SYSTEM, would render it more difficult, if not impossible to provide, "[a]ppropriately differentiated, evidenced-based programs and services [that] accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning."</p>
Jay Su	I am writing to support the requirement of identifying 10% in each local school system instead of each school.
Qiang Wang	I'm writing to show my concern about the proposed modification in the process of identification of Gifted and Talented Students. Instead of the evaluate a student's academic capabilities and potentials, the suggested change is to provide a quota to each school. With this change, many gifted and talented students may lose the chance to fulfill their academic potentials, just because they live in the 'WRONG' school district. In the meantime, some other students may find themselves in struggle to keep up with the GT programs. Either way, the GT programs will be deleteriously affected.
Rick Tyler, Jr., Member of the MD State Advisory Council on Gifted and Talented Education	I strongly urge the Maryland State Board of Education to add one critical word (SYSTEMS) the Proposed Action to revise 13A.04.07 Gifted and Talented Education, under Section 02 Identification of Gifted and Talented Students., subsection "D. [The identification process] A universal screening process shall be used to identify at least 10 percent of students in each school SYSTEM as early as possible but no later than Grade 3." To restrict the 10% requirement to "each school", would be an undue, unfair and unintended burden for [our system] and perhaps others , and we believe the real intent back by evidence-based practices should be to implement evidence- based universal screen with multiple criteria for all public school students and to ensure that all identified Gifted & Talented and Twice-Exceptional students have access to evidence-based Gifted & Talented Programs and Services within their school system.
Catherine McCullough	.02D must be changed to identify students as gifted and talented in each local school system, rather than in each school. Artificially restricting the number of children who need GT services is a bad idea in any case – every child should be 'met where

Submitted by	Excerpted Comments
	they are' in order to serve their needs – but picking the top-performing 10% from each school (rather than each district) exacerbates this problem. No child's future should rely upon the luck of falling into an arbitrarily capped number of slots in a specialized program.
Wenyu "Andy" Sun	I'd like to make it clear that new changes on identification of Gifted and Talented Students in [our] county is definitely on the wrong direction. The new changes include a universal screening process to identify 10% of students in each school. By doing the new screen process, the county intentionally ignores the different academic levels among the schools in [our county]. The county is watering down the high standard of Gifted and Talented program we are proud of. As the Gifted and Talented program becomes more like a "benefit program", it will lose the credibility to all county citizens and eventually damage the program.
Fang Zhang, parent	Same as the Chinese American Parents Association of Montgomery County
Ting Mei Chau	I truly hope any label for our kids should not include artificial numbers. Saying that, we surely prefer a bigger pool about definition of special kids, so district wide measurements are more accurate than individual school wide, as it could balance out all individual school uniqueness and special situation. However, simply make every school district only allow the top 10% to be defined as gifted are very artificial, therefore will hurt the truly gifted and talented students that are outside of 10% measurement. I hope the final regulation will take into account EVERY child who deserve to be considered as gifted and talented and follow with equitable treatment to their needs. We don't want to leave anyone behind by any artificial 10% or other hard numbers.
Chinese American Parents Association of Montgomery County	Complete letter attached
Jane Qin, parent	GT program should be a program for students whose special learning needs can not be met under the regular school curriculum, not even by AP courses. Scientifically, these kind of kids don't appear by zip code, or percentage. They can be spot on from here or there, and from time to time. By adoption of the top 10% percentage policy, some students will be dragged down by others, acceleration won't take place; meanwhile, the others will feel depressed or frustrated by a program that is too intensive to them. As you may understand, the scientific logic behind it is the big variation among the top 10% students.
Daksha Arora, parent	<p>With regard to the COMAR 13A.04.07 Gifted and Talented Education regulations, I have the following four comments:</p> <ul style="list-style-type: none"> • I am writing in strong support for making it a hard requirement for all public school systems to be in compliance with the requirements of COMAR 13A.04.07 Gifted and Talented Education instead of it being a recommendation to be followed or not at the discretion of the public school system. • I am NOT supporting the .02-D requirement of EVERY SCHOOL identifying a minimum of 10% of students as GT. The tendency for any system to meet government regulations is to meet them by hook or by crook and that defeats the purpose. If there is a clear definition and well-established criteria for what GT means and who meets the criteria, there can't be a minimum or maximum. Let us make the criteria and methods of assessing the potential, learning behaviors, and actual performance standard and scientific so that we can truly identify students who are at a higher level of potential and performance instead of getting caught in artificial boundaries of numbers, percentages, and political rhetoric of equity. ALL children must be assessed using the standard and scientific methods and all those who meet the criteria for above-average potential and/or performance must have access to higher level education. Then it may be 2% in some schools and 20% in

Submitted by	Excerpted Comments
	<p>other schools - why would that matter? If a minimum bar must be set for each system to meet in terms of numbers, then let it be 10% per school system or a percentage proportional to the total enrollment in a local system.</p> <ul style="list-style-type: none"> • I would also like to strongly advocate for clarifying, specifying, and enforcing the assessment and selection processes adopted by the public school systems. • Section .03 of the regulation on programs and services is grossly inadequate. With so much emphasis on identification of GT students, it seems much ado about nothing if it is not supported by stronger and more comprehensive systems of programs and services to actually realize the identified potential of students. I strongly recommend developing detailed standards and specifications for GT education programs and services to support the identified GT students.
Tao Zhang	<p>I am really surprised to see the way how a student is identified as gifted has been changed so much in COMAR 13A.04.07 quoted below.</p> <p>C. The identification process shall use universal screening and multiple indicators of potential, [aptitude] ability, and achievement from an annually reviewed Maryland State Department of Education approved list of assessments and checklists.</p> <p>D. [The identification process] A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3. Additional identification shall occur at the 3—5 and 6—9 grade bands for participation in the programs and services described in Regulation .03 of this chapter.</p> <p>Why does the screening for gifted has anything to do with which school is from? Is this a kind of discrimination?</p>
Patrick Dunn, Ph.D.	<p>I strongly support the changes to COMAR 13A.04.07 Gifted and Talented Education that the MSDE is proposing with the exception of provision .02D which adds a requirement to identify 10% of students in each school as gifted and talented (GT). I favor the adoption of a requirement to identify and provide GT required services to 10% of a school system's students.</p>
<p>Maureen Q. McNamara, Office of the General Counsel, Montgomery County Public Schools (MCPS)</p> <p>Submitted on behalf of MCPS</p>	<p>Complete letter attached</p>
Shuhong Li	<p>Same as the Chinese American Parents Association of Montgomery County</p>
Min Lee, parent	<p>Same as the Chinese American Parents Association of Montgomery County</p>
Meredith Salita, parent	<p>My main reason for writing is my belief that regulations regarding GT education need to be made stronger and not just as a suggestion to local school systems. I am paraphrasing from another parent that I agree wholeheartedly with: Identifying 10% of a student population within a school rather than across a school system is leaning towards the optics of identifying a demographically pleasing cohort of students that will not actually result in meaningful GT education, making it yes, "equitable" but equally lousy for everyone and in essence serving no one.</p>

Submitted by	Excerpted Comments
	There are schools that likely have close to 0% of students who would benefit from accelerated programs, but if you identify 10% of them, they would not be well served by teaching them the same material and with the same rigor as those top 10% magnet students. It makes no sense.
Tong Wei	Same as the Chinese American Parents Association of Montgomery County
Janette Ortiz, Legislative and Policy Counsel, Anne Arundel County Public Schools (AACPS) Submitted on behalf of AACPS	Complete letter attached
Monica E. Goldson, Ed.D., Interim CEO, Prince George's County Public Schools (PGCPS) Submitted on behalf of PGCPS	Complete letter attached
Ping Steimel	Same as the Chinese American Parents Association of Montgomery County
Maryland Association of Boards of Education (MABE)	Complete letter attached
Vivek and Aishwarya Ramaswamy	We are writing in support of changing the COMAR 13A.04.07 regulation from the requirement to identify as gifted and talented 10% in each school, to a requirement to identify 10% in each local school system.
Wen Huang, parent	I would suggest to add the 10% top students in each County as part of the gifted students. So you can identify all the best students regional wide, as well as the outliers in each school.
CJ Su, parent	I strongly support a change in provision .02D from the requirement to identify as gifted and talented 10% in each school to a requirement to identify 10% in each local school system.
Lin Zhor	Same as the Chinese American Parents Association of Montgomery County
Cindy Liang, parent	Same as the Chinese American Parents Association of Montgomery County
Zhen Yuan, RN	Same as the Chinese American Parents Association of Montgomery County
Vikram and Nupur Dhawan	Please allow us to thank the Maryland State Advisory Council on Gifted and Talented Education that addressed the December 4, 2018 meeting of the Maryland State Board of Education in strong support of the COMAR revision and recommended a change in provision .02D to require all local school systems to identify as gifted and talented at least 10% of students across the district as part of the universal screening process rather than 10% in each school.
Jiangning Qin	Same as the Chinese American Parents Association of Montgomery County
Jihong ma	Same as the Chinese American Parents Association of Montgomery County

Submitted by	Excerpted Comments
Alex Zhong	In my opinion, it is not right to identify 10% of students in each school as gifted students. In some regions where many scientists and engineers reside, the percentage should be obviously higher than average. In some schools, where there are GT program or Center Of Enriched Study, the gifted students should be much more than 10%, because everyone in the GT program or Center Of Enriched Study are gifted, the students in these programs make up more than 20% of the students in that school.
Dr. Chen Lai	Same as the Chinese American Parents Association of Montgomery County
Radhika Sinha, parent	I'd also like to suggest a change in provision .02D from the requirement to identify as gifted and talented 10% in each school to a requirement to identify 10% in each local school system.

BOARD OF EDUCATION OF FREDERICK COUNTY

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Brad W. Young
President

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December 18, 2018

Dr. Karen B. Salmon, State Superintendent of Schools
Dr. Justin M. Hartings, President, Maryland State Board of Education
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

**RE: Comment for Proposed
Regulations COMAR 13A.04.07
Gifted and Talented Education**

Dear Drs. Salmon and Hartings:

Thank you for the opportunity to provide comment on the proposed revisions to COMAR 13A.04.07 Gifted and Talented Education.

We appreciate the attention the State Board is giving to Gifted and Talented Education. This area is a crucial component of our education program and ensures that we provide a portfolio of programs that meet the needs of each and every one of our students. Our Board is committed to providing access to opportunity equitably across our system and that participation is reflective of the diversity of our student body. One of the measureable goals of our local strategic plan is that the percentage of students enrolled in our “gifted and talented” programs (elementary magnets, middle school Highly Able Learner, and high school AP/IB, Honors and Dual Enrollment) mirror county-wide demographic percentages by 2020.

We are well-poised to implement the proposed changes that are included. We currently conduct universal screening, aligned to the requirements of the proposed regulations, of all of our second grade students in order to begin providing services in grade three. As a point of information, we do not identify students as “gifted and talented.” The intent of this screening, as it is with all of our screenings, is to identify students for appropriate services and instruction.

This philosophy leads us to have concern with the proposed language:

A universal screening process shall be used to identify *10 percent of* students in each school by Grade 3.

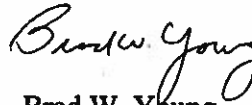
This required and arbitrary level of 10% is counter to the true reason for our identification of students for advanced programs – recognizing student need and matching their need appropriately. If the process for identification of students was one with greater subjectivity, such as a nomination process, we would understand a need to designate an exact number. Further, our Advanced Academics staff can find no research to substantiate the use of 10% as the appropriate level for identification, either in the literature surrounding gifted and talented education in

Drs. Salmon and Hartings
Page 2
December 18, 2018

general, or as it relates to providing equitable access and ensuring participation of historically underrepresented student groups.

Again, thank you for the opportunity to provide our input. We appreciate your service to the students of our State.

Respectfully,



Brad W. Young
President

c: Members, Board of Education of Frederick County
Dr. Theresa Alban, Superintendent, Frederick County Public Schools
Dr. Mary Gable, Assistant State Superintendent, MSDE



Every Child a Success

Diana L. Mitchell, Ed.D.
Superintendent of Schools

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December 18, 2018

Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

To Whom It May Concern,

This letter is written on behalf of the Dorchester County Public Schools Superintendent's Cabinet. We are pleased with most of the suggested changes within the recently amended version of COMAR 13A.04.07. We support the idea of taking a research-driven approach to effectively identify and sustain a more inclusive gifted learning program within our district.

However, we do not support section .02D of the proposed changes to COMAR 13A.04.07. We are concerned about this section because it will require each of our schools to identify at least ten percent of students as part of the universal screening process.

If we are to identify the top ten percent of students in each of our schools as gifted, we will be forced to include many students who have demonstrated learning needs more aligned with average ability and achievement levels. We believe that this will lower the intended depth, rigor, and effectiveness of our gifted programming. It will also be very challenging for Dorchester County – a small, rural district with limited funding - to allocate the appropriate amount of resources for a larger number of newly identified gifted students. While we will be intending to incorporate the best practices outlined within this updated version of COMAR, our limitation of resources for a growing gifted population will decrease the level of effectiveness within our district programs for gifted students. We intend to align our idea of what it means to be gifted with every other district throughout the state, but section .02D will create an environment where each of our schools will have different ideas for what it means to be gifted based on the ability and achievement results of the top ten percent of the students in their school.

Therefore, we support the Maryland State Gifted and Talented Advisory Council (GTAC) in requesting that the pending language be changed to:

“a universal screening process shall be used to identify students in every school (and at least 10% in each district), as early as possible but no later than Grade 3 . . .”

We ask that the board strongly consider this recommendation as it will enhance our ability to develop and provide appropriate and effective programming for Dorchester County's gifted learners.

Sincerely,

Diana Mitchell, Ed.D., Superintendent
Dorchester County Public Schools

December 4, 2018

Maryland State Board of Education
200 West Baltimore Street
Baltimore, MD. 21201

Re: Proposed changes to COMAR 13A.04.07

This letter is written on behalf of the Maryland State Gifted and Talented Advisory Council (GTAC). The GTAC, which is comprised of more than 40 individuals representing diverse districts and stakeholders from across Maryland, has long served as a voice of advocacy on behalf of Maryland's gifted students, their families, and those educators who work to meet their needs. In fact, the proposed changes to COMAR 13A.04.07 are rooted in the work and wishes of the council over the past several years. To that end, there should be little surprise that the council is thrilled to see the inclusion of universal screening (.02C), sustained identification beyond the targeted universal screening grade (.02D), state accountability of district plans for identification (.02F), the supplying of a vetted list of approved programs and services by the state (.03A), and the subtle yet powerful shift throughout the regulation from "shall consider" to "shall", as each of these changes reflect a staunch commitment to accountability and reliability on behalf of the state for its students.

Furthermore, the council applauds the spirit of these modifications as they are founded in the knowledge and research that there are gifted learners in ALL LEAs and in ALL schools and that there is a genuinely pro-active voice woven in the document seeking to find and serve those who have been historically underserved for far too long – our students of color, poverty, and those who are twice exceptional.

However, there is one mandate within the amended COMAR, as proposed, that gives pause to many within the council and there is a palpable fear that its inclusion, as currently drafted, may serve as a poison pill to many districts who might otherwise join in this seminal shift in the paradigm around serving our gifted learners. I am speaking of .02D which calls for all LEAs to identify at least 10 percent of students in EACH school as part of the universal screening process.

The GTAC recognizes the noble intentions of those who advocate for this language as it works to disabuse individuals of the notion that "we don't have gifted kids at this school." However, the nagging question prompted by this rigid approach to identification wonders if this logic would be widely acceptable if it were similarly applied to the bottom 10 percent of students at each school to find more students in need of special education services. Clearly, we are not advocating that position but for chiefly the same reason that we don't support doing so for gifted identification. We are not arguing what the research suggests and implies but rather caution that mandating this type of approach to identification fails the test of practicality on at least three fronts:

- 1) Drilling into the data from a number of districts tell us that in a disconcerting number of cases, calling the top 10 percent of students at all schools gifted will sweep up students

whose ability and achievement results place them firmly in the average range and for whom general education curricula are designed. These, state required, gifted learners would now be placed in gifted programming where the accelerated or compacted curricula expectations would not only not benefit these students but possibly serve to demotivate and frustrate them as the pace and depth of learning drifts further and further from who they are as individuals.

- 2) An already limited allocation of resources, as there are currently no state funds designated for serving gifted learners, will subsequently be divided into even smaller pieces among a larger number of students now identified as gifted across districts, resulting in a diminished level of service in districts that are already championing the best practices envisioned by this updated version of COMAR.
- 3) The situational or school-based norming for this designation as gifted will further complicate the conversation around the state as to what it means to be gifted in Maryland as the answer will literally vary not just between LEAs, as it does currently, but now between schools within every LEA.

Because the GTAC earnestly wants every possible student to be meaningfully identified and served, we propose modifying the pending language to read:

"A universal screening process shall be used to identify students in every school (and at least 10% in each district), as early as possible but no later than Grade 3 ..."

This slight alteration still makes it clear that there are gifted learners in ALL of our schools and that LEAs must do a better job of finding them across the entirety of their districts while acknowledging the challenges and barriers to implementation addressed earlier in this letter. In other words, the perfect is the enemy of the good and there is so much good in this proposed version.

The GTAC recognizes that Maryland is poised to become a national leader in breaking down barriers to identifying and serving students who have long been excluded from the conversation and we desperately want to succeed on their behalf. Given that context, we ask that the board thoughtfully consider this recommendation as it greatly enhances the likelihood of faithful implementation of a significantly improved regulation designed to find, support, and serve Maryland's gifted children.

Sincerely,

Dennis D. Jutras

Co-Chair, Maryland Gifted and Talented Advisory Council

November 27, 2018
Revised January 2, 2019

From: Jonathan A. Plucker, Ph.D.
Julian C. Stanley Professor of Talent Development, Johns Hopkins University
President-elect, National Association for Gifted Children

Re: Proposed Changes to Maryland COMAR 13A.04.07 and related policies

Since the release of the proposed changes to Maryland's regulations regarding gifted education, I have been asked by several individuals to comment on the proposal's appropriateness. In this memo, I outline my reactions to the proposal and provide suggestions for potential modifications. In addition, after receiving feedback to the following comments and listening to testimony offered at the December meeting of the State Board of Education, I elaborated on some points made below.

Although educators and advocates appear to be generally satisfied with the majority of the proposed changes and specifically dissatisfied with a couple items, I address all the changes below in an effort to be comprehensive.

Background

My perspective is primarily influenced by my goal to help Maryland reduce its *excellence gaps* – those gaps among various income and racial/ethnic groups in performance at advanced levels. In general, Maryland has among the highest levels of advanced achievement in the country, but it also has among the very largest excellence gaps. For example, on the 2017 administration of the National Assessment of Educational Progress (NAEP), 11% of Maryland public school students scored advanced in Grade 4 Mathematics, compared to 8% nationally. But on the same test, only 3% of Maryland students qualifying for lunch assistance scored in the advanced range, compared to 19% not qualifying for lunch aid. This 16% gap is considerably larger than the 11% gap for the nation as a whole.

Maryland also suffers from racial/ethnic excellence gaps. Again using 2017 NAEP performance, this time in Grade 8 Mathematics, 32% of Maryland Asian American and 17% of White students scored advanced, but only 4% of Hispanic and 2% of Black students. These excellence gaps appear in every data set we have examined, and by some measures they appear to be growing.

As a result of these (and many additional) data, it is reasonable to conclude that Maryland does a better-than-average job in educating its gifted students in general, but that our approach to advanced learning for low income, African American, and Latinx students is lacking.

Fortunately, educators, researchers, and policymakers have learned a great deal over the past five years about policies, strategies, and interventions that help shrink excellence gaps. My colleagues and I have conducted much of this research, policy, and intervention work (e.g., Peters et al., 2017; Plucker & Peters, 2018). In particular, my comments below are guided by a major research review conducted with Scott Peters (Plucker & Peters, 2016), two state-by-state policy rating studies (Plucker, Glynn, Healey, & Dettmer, 2018; Plucker, Giancola, Healey, Arndt, & Wang, 2015), and two large-scale studies that are currently in the latter stages of the peer review process (Peters, Rambo-Hernandez, Makel, Matthews, & Plucker, under review; Rambo-Hernandez, Peters, & Plucker, under review).

Major Changes

1. Adding “gifted and talented students” as an additional student subgroup as part of the state’s ESSA plan.

This change is technically not part of the proposed COMAR modifications, but including an advanced learner subgroup in each state’s K-12 accountability system has long been recommended (see Plucker, Giancola, et al., 2015). Maryland should be applauded for leading the way with this important change.

2. Mandating universal screening as part of each district’s identification process (.02C) with multiple entry points in grades 3-9 (.02D).

Although universal screening has been recommended for some time, recent research strongly suggests it is preferable to nomination-based identification processes, especially for identifying low-income students (e.g., Card & Giuliano, 2016b). Having multiple entry points into advanced learning opportunities is also reasonable and unlikely to cause major implementation problems for districts.

3. Mandating use of school-based local norms (.02D).

The use of local norms within gifted identification procedures is widely recommended as a strategy to increase the percentages of low-income and disadvantaged racial minority students within gifted education programs. In our forthcoming study (Peters et al., under review), the increases are over 50 percent. The literature contains several arguments for the use of local norms, but one often overlooked justification is that many educators in schools primarily attended by low-income, urban/rural, and/or disadvantaged minority students do not believe the school has any gifted students. From my perspective, the main benefit of using local norms to identify talented students is to break down the mental barriers that keep educators from thinking their low-income, Black, Latinx, American Indian, and ELL students can be talented.

Using local norms is controversial. But the benefits outweigh the drawbacks. For example, the most common concern is portability. In other words, a low-income, urban student identified as gifted using local norms in their school may not be nearly as high-performing as identified students a few miles away in the suburbs; if that student moves to those suburbs, it creates a service delivery problem for the receiving district. But is this common? Low-income, urban students tend to be highly mobile, but they usually move from one impoverished urban area to another. Of course, even within urban districts (e.g., Baltimore City Public Schools), residential segregation often produces quite different student demographics among even neighboring schools. But the number of students provided with advanced learning opportunities via the use of local norms will far exceed the number of those students who then move to another school, causing portability issues.

I would also point to New York City’s gifted program, which prohibited the use of local norms over a decade ago. This change created stunning lack of representation in the city’s gifted programs and, within a few short years, massive excellence gaps. The NYC schools have recently allowed for the use of local norms and school-based programming to reverse these negative trends, but the damage to a generation of talented, low-income students cannot be easily reversed.

That said, universal screening with local norms is not a panacea. If a district has similar demographics across all of its schools, and the district is primarily upper-middle-class, local norms will produce a talent pool that is very similar to using district, state, or national norms.

Another observation based on experiences of districts around the country that have been implementing universal screening with local norms: If districts refuse to expand programming, then a very limited pie is being split up in ways that create winners and losers. A much better approach – both politically and educationally – is to have more pie, so to speak. Local norms will often identify many students who have never had the chance to develop their talents; but the district will still have large percentages of upper-income, White, and Asian American students who are already receiving advanced learning services. Local norms should be a strategy to expand the pool, not bring new students into advanced learning while others get pushed out.

At the December meeting of the State Board of Education, testimony arguing against the local norms provisions was offered by Maryland educators. In brief, three specific arguments were that (1) using local norms at the 10% level pulls “average” students into advanced programming, which they will not be able to handle, (2) 10% makes the pool of gifted students too big and will spread limited resources even further than they are already being spread, and (3) use of local norms confuses the definition of “gifted.” Of these arguments, only the resource issue holds any water for me (and is addressed in my recommendations below). With regard to the first concern, why is it assumed that every talented student receives identical programming? The field of gifted and talented education is based on the concept of differentiated learning and teaching, to assume differently is puzzling. As for the third concern, arguing the definitions of constructs seems like a moot point. For example, if you change “gifted” to “advanced,” the concern evaporates (i.e., it would be strange to argue that using local norms “confuses the definition of who is advanced in each school”). Furthermore, the GTAC recommendation to mandate identification of 10% of students at the *district* level will do nothing to reduce excellence gaps and will likely reinforce their existence.

At the end of the day, the question of interest is how we provide opportunities for all students to show that they can produce at advanced levels of achievement. If every other proposed COMAR change is enacted but the use of local norms is removed, it is difficult to see how excellence gaps will close significantly.

Recommendations:

- Revise .02D from “identify 10 percent of students in each school” to “identify at least 10 percent of students in each school.”
- Given that the goal is to expand services and not “redivide the pie,” a 5% or 7% minimum target may help with resource issues. Personally, I’d prefer 15%, but that’s a non-starter from a resource perspective.
- MSDE should work with districts on ways to use Title I funds to implement local norm-based identification and local provision of services. This is explicitly permitted under ESSA, but most states have not pushed hard enough in this direction. This would also help with the justifiable concerns about inadequate resources.
- Portability, as mentioned above, is a major concern of districts (both in MD and around the country). Some states mandate portability and local norms (e.g., Mississippi, I believe), others mandate use of local norms without portability (New Jersey). Arguments can be made for both approaches, but the Board should address portability in some way in the COMAR revisions.
- This, of all the proposed changes, will cause the most angst among districts. That doesn’t mean it should be avoided, but explicitly stating that there will be a three-year transition period to the new regulations would give districts some breathing room as they work to implement the new approach.

4. District programming for advanced learning must be drawn “from an annually reviewed MSDE approved list of programs and services” (.03A).

This strategy would have been well-intentioned but frustrating even a decade ago, as research on intervention effectiveness was thin. But a sharp increase in additional research (e.g., Callahan et al., 2015; Card & Giuliano, 2014, 2016a; Gavin et al., 2009; Gavin et al., 2013; Olszewski-Kubilius et al., 2017) and reexaminations of previous research (Plucker, Rinn, & Makel, 2017; Steenbergen-Hu, Makel, & Olszewski-Kubilius, 2016) provide ample evidence of the effectiveness of, for example, various acceleration strategies, ability grouping, and the use of high-quality curriculum. There is now ample research to guide districts as they develop suitable advanced learning opportunities for their students.

5. Mandates MSDE review of each system’s identification plans (.02F(1)) and facilitation of peer-review of each system’s “identification, programs and services” (.06B(1)); requires annual report to State Board of Education (.06B(2)).

As my colleagues and I studied state-level policies related to gifted education and closing excellence gaps, one frequent complaint from educators and advocates was that their state policies were generally ineffective due to a lack of required annual reporting and monitoring. In general, we found evidence that states with reporting and monitoring by the state department of education to be more supportive environments for promoting advanced learning than states without such processes.

Recommendation:

- Some states have annual reporting and/or monitoring policies in place, but weak implementation of these requirements makes them useless. MSDE should be encouraged to invest time and resources into creating a first-rate reporting and monitoring system that provides useful information to policymakers, educators, advocates, and taxpayers while minimizing regulatory burden. Otherwise, it will likely lapse into a pro forma or largely ignored process such as we see in many other states.

6. Service mandate more clearly emphasized (.03A(2)).

Although the change from “consider implementing” to “implementing” may appear semantic, it reflects a considerable strengthening of the mandate for identification *and* services in Maryland. The existing, qualified language is odd, and this change to more direct language clarifies the intent considerably.

7. Emphasizes the role of differentiated curriculum and evidence-based practices for gifted students (.03A(2)a).

As noted above, the usefulness of differentiated curriculum and evidence-based practices is obvious and now carries the weight of a substantial research literature.

Recommendation:

- The phrasing of this sentence can be cleaned up. Perhaps remove the comma in this phrase: “differentiated curriculum, and evidence-based academic programs and services.”

8. Maintains the Advisory Council for Gifted and Talented Education (.05).

The Advisory Council is unique in the U.S. in both its existence (most states have no such group), diverse stakeholder membership, and role in the state’s gifted education system. Maintaining the Advisory

Council will be critically important for advising the Department and Board as they guide implementation of these changes.

Recommendation:

- Clarify the Advisory Council's role in advising and implementing the proposed changes. For example, the Council could assume responsibility for recommending the research-supported identification instruments and evidence-based practices required under the new language.
- That said, the Advisory Council is probably not the best group to help oversee the monitoring and evaluation functions listed in the regulations, as several district coordinators actively serve on the Council.

Minor Changes

1. Elaborating on professional learning groups to include "teachers, administrators, and other personnel" (.02E(4)).

The importance of all educators and school personnel having sufficient background knowledge about gifted students and their academic, social, and emotional characteristics and needs is well-documented. Very few states require any such knowledge (Plucker et al., 2018). This is an important change.

Recommendation:

- Elaborate further on "teachers, administrators, and other personnel" (.02E(4)). School counselors and school psychologists can play a critical role in either facilitating or hindering access to advanced learning opportunities. Possible language includes "teachers, administrators, counselors, psychologists, and other personnel."
2. Elaborating on goals of professional learning to include "identification procedures, characteristics, academic, and social-emotional needs of gifted and talented students" (.02E(4)).

This change is consistent with the results of nearly 40 years of federally-funded, Javits Act studies (the primary federal grant program for gifted education, with a strong focus on underserved gifted students). For example, projects that offered professional development on the needs of diverse groups of gifted students have consistently found evidence of much higher identification rates of low-income, Black, Latinx, rural, and Native American students. Given the almost complete absence of related topics in preservice teacher and administrator preparation programs, a strong PD system within each district is vital if Maryland is to meet its goals for educating the state's brightest students.

The proposed COMAR changes appear to meet the ESSA Title II requirements (although one could note that these requirements have existed since the 2008 Higher Education Opportunity Act). States applying for Title II professional development funds under ESSA must supply,

"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."
(§2101(d)(2)(J))

ESSA also places this responsibility on districts, requiring that any systems receiving Title II funds must “address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students” (§2103(b)(2)).

Recommendation:

- These Title II requirements put much of the burden on districts (and MSDE monitoring of districts), causing one to wonder if the state can find ways to encourage teacher and administrator preparation programs to do their part to help Maryland satisfy these HEOA and ESSA requirements.
3. District’s without an approved identification plan use a new, state-approved default policy and procedure based on past department policies (.02F(2)).

The proposed policy is entitled, “Maryland’s Model of Gifted and Talented Education.” In general, the model follows the regulations described in COMAR 13A.04.07.02 and .03. I found a number of inconsistencies and areas in need of clarification/correction, but the general framework of the model is reasonable and reflects recent theory, research, and best practice.

Recommendations:

- The COMAR modifications and other sections of the Model emphasize identification by Grade 3, but the last bullet point on p. 1 notes identification by Grade 2.
- On p. 1, the model states “systems should strive to identify at least 10 percent,” but p. 2 says, “Identify 10 percent.” For the reasons mentioned earlier, I recommend the phrasing be “at least X percent” throughout the document.
- On p. 2, the second bullet point describing the Identification Model: “Identify the top 5 percent of Grade 3 students” I’ve read this sentence several times and can interpret it multiple ways. Some clarification or rephrasing would be helpful.
- The MSDE Approved Assessments and Checklists included on pp. 2-3 need to be cleaned up. For example, under Behavior Checklists, approved instruments include the Renzulli Hartman Rating Scale, the Renzulli Scale, and the Scales for Rating the Behavior (sic) Characteristics of Superior Students. These are all the same instrument (see most recent edition, Renzulli et al., 2013).

Conclusion

Maryland currently has some of the most impressive advanced learning outcomes in the country, but the state also has some of the largest excellence gaps. Available data suggest that much of Maryland’s impressive overall performance is limited to outstanding achievement by upper-income, Asian American, and White students, with very low rates of advanced performance by lower-income, Black, Latinx, and ELL students.

The proposed COMAR modifications build on Maryland’s work in gifted education, and the changes are based on a foundation of the latest theory and research on advanced learning. Implementing these policy changes will be challenging for Maryland policymakers and educators, but successful implementation will make Maryland among the country’s – if not the world’s – leaders in developing the talents of its students.

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Daniel D. Curry, Ed.D.

President PSSAM
Superintendent of Schools
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678
Phone: 443-550-8009
Fax: 410-286-1280
E-Mail: curryd@calvertnet.k12.md.us



January 9, 2019

Justin M. Hartings, Ph.D.
President
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, MD 21201

FILE COPY

Dear Dr. Hartings:

On behalf of the Public School Superintendents' Association of Maryland (PSSAM), I am writing to you regarding the Maryland State Board of Education's proposed changes to COMAR 13A.04.07.

PSSAM appreciates the intent of the proposed changes to Gifted and Talented Education. We fully recognize that there are gifted learners in all schools in every local school system and we support the use of a research-based process to identify and support these students. We strongly support measures that assist us to meet the needs of these exceptional students. However, we must take exception to .02D of the proposed changes, which requires every school to identify at least ten percent of students as part of the universal screening process.

Requiring every school to identify the top ten percent will force some schools to include many students that have demonstrated learning needs that are more aligned with average ability and achievement levels. In doing so, we believe that programs for truly gifted students would not have the rigor appropriate for most Gifted and Talented students. To reach the ten percent mandated quota, gifted programs could actually lower the standards for our higher achievers. Gifted and Talented identification should only be based on clear and appropriate standards and not percentages.

We would also like the State Board to consider the diversity of Maryland's public school systems. One size does not fit all in terms of local school system educational needs, policies, and finances. For example, it would be very difficult for a small, rural district to allocate the appropriate resources for a larger number of newly identified gifted students. Finally, as local superintendents, working with our local school boards, we strongly believe in local autonomy and authority over our public schools. We frankly do not see any value in mandating a ten percent identification factor. In fact, we reiterate that imposing an across-the-board increase just to meet an arbitrary percentage point would weaken strong and effective gifted programs in many schools.

On behalf of PSSAM, I thank you for your consideration of our position on this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Daniel D. Curry'. The signature is written in a cursive style with a large, looping 'y' at the end.

Daniel D. Curry, Ed.D.
President PSSAM *and*
Superintendent of Schools
Calvert County Public Schools

C: Dr. Karen Salmon
Susan Spinnato
Mary Gable
AELR Committee Staff

January 16, 2019

Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD. 21201

Dear Ms. Spinnato:

This letter is written on behalf of the Howard County Public School System in response to the proposed changes to COMAR 13A.04.07 Gifted and Talented Education.

The Howard County Public School System (HCPSS) supports the majority of recommendations proposed within the COMAR revisions. The inclusion of universal screening (.02C), an approved list of non-biased assessments to ensure greater consistency in identification (.02C), and further opportunities for identification in subsequent grade bands (.02D) foster an equitable identification process within and among the Local Education Agencies (LEAs) throughout the State of Maryland. HCPSS supports and currently implements these recommendations in order to support the equitable identification of gifted learners, including those from historically underrepresented populations.

In addition, we applaud the strengthening of the language throughout the regulation from “shall consider” to “shall,” particularly with respect to programs and services. Identification without effective programming leaves gifted students without the engaging, rigorous instructional opportunities essential for ALL students, including those already performing at advanced levels. The shift in language within the regulation will ensure not only equitable identification practices but also accountability for providing differentiated, evidence-based programs and services that meet the instructional needs of identified students (.03A).

However, one addition within the proposed COMAR revisions seemingly undermines the well-crafted enhancements to Maryland’s identification process: the mandate for identifying at least 10 percent of students within each school as gifted (.02D). Although we believe that this mandate was established with good intentions in an effort to emphasize that gifted students exist in all geographic regions and within all student groups, its implementation may impact district programming and services, and, ultimately, the students themselves. While most Howard County schools would likely meet the 10% threshold, that is not the case for LEAs throughout the state. In some districts, designating a minimum of 10% of students within each school as gifted might result in the identification of students who marginally perform at the proficiency level and who would be better served with the appropriately challenging curricula of the general education classroom rather than the accelerated and extended curricula of a gifted program. This mismatch between identification and level of instruction may lead to increased frustration and disengagement of inappropriately identified students. In addition, in an effort to support students not yet ready for this level of instruction, teachers may reduce the pace and complexity of instruction, resulting in unnecessary repetition and diminishing levels of challenge for students in need of gifted services.

Furthermore, the designation of 10% of students as gifted at each school undermines the value of the COMAR revisions in creating greater consistency and equity in the identification process and gifted education services throughout the State of Maryland. Not only would the lack of consistency remain between LEAs, but it also would expand to individual schools within a district. A student might be "gifted" at one school but move to another school within the district at which they would not be identified as gifted.

As a whole, the proposed revisions to COMAR 13A.04.07 Gifted and Talented Education are laudable, building upon the strong foundation established with its original passage in 2012. Then and now, Maryland has recognized the need for appropriate identification and services in order for gifted students to reach their full potential. By excluding the 10% mandate from the passage of the proposed revisions, Maryland will maintain the integrity of the identification process while also providing the guidance necessary to ensure equitable identification practices and gifted programming in order to meet the needs of Maryland's gifted students.

Sincerely,

A handwritten signature in black ink that reads "William J. Barnes". The signature is written in a cursive style with a large, prominent initial "W".

William J. Barnes
Chief Academic Officer
Howard County Public School System



January 16, 2019

Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD. 21201

Dear Ms. Spinnato:

The Maryland Educators of Gifted Students (MEGS) organization applauds the Maryland State Board of Education for their efforts to hold local school systems accountable for the academic growth of their gifted and talented learners by including them as an additional student group in the Maryland ESSA plan. Our organization, representing approximately 600 Maryland educators, supports the majority of the modifications in the proposed Code of Maryland Regulation (COMAR) Chapter 13A.04.07, Gifted and Talented Education. MEGS members fully support efforts to identify students who have been traditionally underserved in gifted and talented education programs. Therefore, we are pleased that the proposed COMAR focuses on equitable identification processes that include universal screening and student identification at an early age, with multiple entry points later. MEGS members also support increased accountability for local school systems to implement services that include differentiated curriculum and evidence-based academic programs for their identified gifted and talented students.

MEGS members believe that gifted and talented students exist in every Maryland school. However, they are concerned with a mandate to identify at least 10 percent of the students in each school as gifted and talented. While this is a well-intended effort, the top 10 percent of students in some Maryland schools may dip into the 50th percentile range. Since these students would typically be well-served by general education curricula, we question if it would be in the students' best interests to identify them for gifted education program services. The educational needs of students who score at the 50th percentiles may differ vastly from those who score at the 99th percentile.

A gifted and talented education program in the aforementioned school would need to greatly expand its services and professional learning opportunities for teachers in an effort to meet the needs of students whose achievement spans such a large range. This would stretch the resources of already strained local school system budgets, without the benefit of state or federal funding.

In order to ensure the equitable identification of gifted education students in every Maryland school, MEGS members propose the following two recommendations.

- 1) Revise .02D to read, "A universal screening process shall be used to identify students in every school (and at least 10% in each district), as early as possible, but not later than Grade 3 . . ."

- 2) Provide a three-year "grace-period" to allow local school systems and schools to adjust programming and budgets and to provide the Maryland State Department of Education time to collect accurate data. In the first year of the COMAR implementation with the revision cited in recommendation #1, use GT identification data as a baseline to determine the current levels of GT student identification and achievement. In the subsequent two years, monitor schools to track the number of identified students in each school, with an emphasis on assisting schools with low numbers of identified students in how to use talent development and differentiation strategies to increase the number of students who can successfully participate in gifted and talented education program services. The Maryland State Board of Education could re-assess at the end of the third year, as needed. MEGS members feel that this gradual approach would give school systems time to develop programs and services to increase the achievement of all students, including those who are identified as gifted and talented.

Experts in the field of gifted and talented education and talent development agree that differentiating instruction by students' abilities and/or achievement levels is an extremely difficult skill. Therefore, as an affiliate of the National Association for Gifted Children, MEGS will continue to partner with the Maryland State Department of Education to provide high-quality professional learning opportunities for Maryland educators to help them increase their expertise. By participating in the MEGS annual fall conference and spring dinner meeting, those members will continue to have opportunities to work with nationally recognized researchers and leaders in the field.

The vision of the Maryland State Board of Education and the Maryland State Department of Education to include gifted and talented students as a student group in ESSA is laudable, as these students have been long-overlooked at both state and national levels. The MEGS organization appreciates efforts by the Maryland State Board of Education to strengthen the COMAR regulation in order to increase access of traditionally underserved populations of students and to align it more closely with current research in the field of gifted and talented education. We ask you to consider the two recommendations that we have proposed in this letter, as we strive to meet the needs of Maryland's gifted and talented students. We feel that this revised policy will not only benefit gifted and talented students, but will position Maryland as a national leader in gifted and talented education.

Sincerely,
Penny Zimring, President
Theresa Jackson, Vice President
Debbie Blum, Treasurer
Wendy Ingalls, Secretary

Boyd J. Michael, III, Ed.D.
Superintendent of Schools

January 18, 2019

Via U.S. Mail & Email (susan.spinnato@maryland.gov)
Ms. Susan C. Spinnato
Director of Instructional Programs
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

RE: Proposed Changes to Code of Maryland Administrative Regulation (COMAR) Chapter 13A.04.07 – “Gifted and Talented Education”

Dear Ms. Spinnato:

Washington County Public Schools' (WCPS) staff has reviewed the proposed changes to COMAR Chapter 13A.04.07, entitled “Gifted and Talented Education,” that were published in The Maryland Register on December 21, 2018. Specifically, changes are being proposed to Regulations 13A.04.07.01—.04 and .06. WCPS offers the following comments.

Background

WCPS supports the proposed changes to COMAR Chapter 13A.04.07 that mandate procedures that establish uniform access to gifted and talented education across the state, ensure early identification of eligible students, establish universal screening, provide for educational opportunities for gifted and talented students, and provide mandatory professional learning for teachers who serve gifted and talented students. WCPS believes that gifted and talented students are in every school and that neither a student's zip code nor budget constraints should prevent these students from entering into advanced programs that will serve their unique needs. The school system is committed to these beliefs and its current program operationalizes these beliefs and also serves to close the access and achievement gaps.

Establish a “10 Percent” Goal Rather Than a Mandate

One of the proposed changes is to mandate a universal screening process that is to be used to identify at least 10 percent of students in each school as being gifted and talented. While this is a well-intentioned objective, the mandate to identify “at least 10 percent” at *each school*, rather than at the district level will adversely impact students, schools, and the current established processes for the identification of gifted and talented students. WCPS is requesting the State Board of Education and State Superintendent to consider the following comments:

Building a Community That Inspires Curiosity, Creativity, and Achievement.

Ms. Susan C. Spinnato

January 18, 2019

Page 2 of 3

- Every school offers advanced-level programming, but regional magnet program schools draw a significant number of students from “neighboring schools” into the magnet program. This decreases the potential number of students at the neighboring schools who would otherwise count toward the total percent identified as gifted and talented at those neighboring schools.
- Many schools have high mobility rates. If the threshold score(s) was to be lowered at one school in order to reach a “quota,” then students who were identified at that lower threshold score who transfer to another school with a higher threshold score would not be competitive with the students at the receiving school.
- The community’s perception of the gifted and talented programs, namely the integrity of the process used to identify students, would be impacted by lowering the scores for certain schools in order to reach at least 10 percent gifted and talented identification.

The Proposed Regulation Will Increase Testing Which is Contrary to the “More Learning, Less Testing Act of 2017”

The new identification process will require testing of all students twice in elementary school and once in middle school. This is an undue burden on teaching staff and for some students additional testing may be stressful. The school system’s assessment committee, which formed as part of the More Learning, Less Testing Act of 2017, recommended reducing gifted and talented testing to just once in elementary school. Grade 5 and grade 8 students are already close to the 2 percent cap for testing with only state-mandated testing and no local assessments. The WCPS data shared with the assessment committee showed that a very small percentage of students became gifted and talented eligible when re-tested. The assessment committee has recommended that the school system should test new students who have not been previously tested in elementary school. Another recommendation of the assessment committee was to re-test any student who is showing potential and to honor the request of a parent or guardian to test their child. The school system has accepted the recommendations of the assessment committee.

Provide New State Funding to Achieve the 10 Percent Goal

WCPS is requesting the State Board of Education and the State Superintendent to identify new state funding to achieve the 10 percent goal. The additional cost to WCPS of this proposed regulation would be approximately \$1 million annually, which includes the cost of additional gifted and talented teachers and additional test licenses.

When the teacher pension costs were shifted to the local governments, several school systems, including WCPS, received less than the required level of educational funding from the local government. In Washington County, the local government has failed to comply with all aspects of Section 5-202 of the Education Article the last 3 fiscal years and has been designated as a “low effort county” under Maryland law.

Over the last few years, the allocation of educational funding has not kept pace with the increasing number of educational initiatives. In light of fiscal restraints that certain local boards of education are facing, the school system is requesting the State Board of Education and State Superintendent to support the allocation of additional new state funding to meet the needs of not only gifted and talented students, but also to meet the needs of all students.

Ms. Susan C. Spinnato
January 18, 2019
Page 3 of 3

Sincerely,



Boyd J. Michael, III, Ed.D.
Superintendent of Schools

Copy: Mrs. Melissa Williams, Board of Education President
Mr. Stanley Stouffer, Board of Education Vice President
Mr. Pieter Bickford, Board of Education Member
Mrs. Jacqueline Fischer, Board of Education Member
Mr. Michael Guessford, Board of Education Member
Mrs. Linda Murray, Board of Education Member
Mr. Wayne Ridenour, Board of Education Member
Dr. April Bishop, Deputy Superintendent
Dr. Peggy Pugh, Associate Superintendent for Curriculum and Instruction
Mr. Jeffrey Proulx, Chief Operating Officer
Mr. Anthony Trotta, Chief Legal Counsel
Senator George Edwards
Senator Andrew Serafini
Delegate Paul Corderman
Delegate Michael McKay
Delegate Neil Parrott
Delegate William Wivell
Mr. C. Tolbert Rowe, Board of Directors President, Maryland Association of Boards of Education
Ms. Frances Hughes Glendening, Executive Director, Maryland Association of Boards of Education
Mr. John Woolums, Director of Governmental Relations, Maryland Association of Boards of Education
Mrs. Ardath Cade, Legislative Representative for Washington County Board of Education
Dr. Karen Salmon, State Superintendent of Schools
Dr. Justin Hartings, President, Maryland State Board of Education
Ms. Stephanie Iszard, Vice President, Maryland State Board of Education
Dr. Chester Finn, Jr., Member, Maryland State Board of Education
Dr. Vermelle Greene, Member, Maryland State Board of Education
Ms. Jean Halle, Member, Maryland State Board of Education
Dr. Rose Maria Li, Member, Maryland State Board of Education
Dr. Joan Mele-McCarthy, Member, Maryland State Board of Education
Mr. Michael Phillips, Member, Maryland State Board of Education
Dr. David Steiner, Member, Maryland State Board of Education
Brigadier General Warner Sumpter, Member, Maryland State Board of Education



Maryland Coalition for Gifted and Talented Education
An Affiliate of the National Association for Gifted Children

1823 Morning Brook Drive, Forest Hill, MD 21050
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Comments on the Draft Regulations for COMAR 13.A.04.07

To: Susan C. Spinnato, Director of Instructional Programs, Maryland State Department of Education

From: The Maryland Coalition for Gifted and Talented Education

Date: January 17, 2019

The Maryland Coalition for Gifted and Talented Education (MCGATE) is a non-profit organization and state affiliate of the National Association for Gifted Children that is made up of parents, educators, graduate students, university professors, counselors, and other volunteers who support gifted and talented education. Our Legislative Advocacy Committee and Board of Directors met on January 12, 2019 to consider the draft regulations which were posted for public comment on December 27, 2019.

We appreciate the opportunity to review and make comments on the proposed regulations. We have studied the revisions carefully and consulted with our stakeholders across the state. We recognize the amount of thought and effort that has gone into these proposed regulation changes. Our recommendations listed below reflect our organization's commitment to ensuring that the needs of the diverse gifted and talented learners throughout Maryland are met consistently, universally, and across the span of their school experiences from PreK through grade 12.

Comments on the Draft Revision of COMAR 13.A.04.07:

1. We appreciate and support the revisions to the original COMAR that remove the language "shall consider" in certain provisions, which made those optional, and replacing it with "shall," which makes them a requirement. This will help ensure that all of Maryland's gifted and talented learners will receive the education they need to help them develop to their full potential.

2. Section .02.D: We are concerned over the requirement for districts to "identify at least 10 percent of students in each school."

We recommend that MSDE revise it to: **"identify at least 10 percent of students in each school district over the next three years, and ensure that there are gifted and talented learners identified in each regular school within the district."**

All schools need to strive for equitable identification and service delivery practices. They also need to be aware of problematic practices that could lead to inequity and be held accountable.

Using local norms in this process could help ensure greater equity and representation of students from diverse backgrounds and groups. The revised COMAR guidelines for Maryland's Model of Gifted and Talented Education: Maryland Gifted and Talented Student Identification Requirements and Criteria for Excellence establish equitable identification and service practices that must be in place system-wide. Therefore, a district goal of at least 10 percent of students in each district, rather than a goal of 10 percent at each school, best captures the spirit and intent.

This would allow districts flexibility in their selection of tools, criteria, and delivery models; help increase identification in schools where there currently are no identified gifted and talented learners; and ensure that the district averages include students from every regular school.

There should also be guidelines for alternative schools and schools that serve specific populations of students receiving special education services. Even though there may be twice-exceptional students in such schools, setting a quota of 10 percent may not be realistic.

3. Section .06: We are pleased to see stronger language in the Monitoring and Reporting Requirements section. Being able to code students who are formally identified as gifted and talented will allow districts to follow their academic progress over time, use data to inform program evaluation, and make revisions for continuous improvement. This would also allow comparison of gifted and talented students' data across districts. MCGATE supports the addition of a state code for gifted and talented in annual reports to support implementation of section 06.B.2.

Thank you again for this opportunity to express our appreciation and our significant concerns. For questions, please contact our Legislative Advocacy Chair, Yvonne Golczewski, at ygolczewski@mcgate.org.

Sincerely,
Maryland Coalition for Gifted and Talented Education Board of Directors

To Dr. Salmon and the members of the State Board of Education:

The Chinese American Parents Association of Montgomery County would like to express its concerns regarding the newly revised COMAR 13A.04.07. While reviewing the changes to the COMAR 13A.04.07, we applauded many of the revisions, such as the implementation of a universal screening process and additional identifications for the 3rd to 5th and the 6th to 9th grade bands. We also strongly support the added review process, and the reporting and monitoring of the implementation of GT identification. These are great policy changes to ensure that children are properly identified as GT, continually ensure the GT program is right for them, and helps the GT program and GT students to support each other in the best way possible.

However, we are strongly against two of the revisions outlined in the COMAR 13.A.04.07:

- (1) Selection of the students as GT based on comparisons at the school level
- (2) Limitation of the percentage of students identified as GT at 10%

We find these two changes to be illogical, arbitrary, and to create unnecessary zero-sum competition among students, especially amongst peers in their own schools.

These two revisions go against the spirit of the recently implemented universal screening. The purpose of universal screening is to give all students the opportunity to be identified as GT so they may receive the best support for their education. There are long established and evidence backed standards for giftedness based on national normalized testing. We can acknowledge that there must be reasons for suggesting the addition of this 10% limit, however we are not seeing the benefits over the previous system, only drawbacks. Universal screening supports additional inclusion of students who would not have been identified as GT previously, while the proposed 10% limit arbitrarily excludes students based on their parent's residence.

Giftedness is an individual trait in each child. Whether a child is gifted or not should be evaluated on that child's merits, not in comparison to an arbitrarily small body of their peers. We acknowledge that there has always been a high concentration of students identified as GT in the Montgomery County school system. However, we feel that these new rules unfairly affect a large portion of Montgomery County students that would be considered GT under the previous system, simply due to where they reside. At some of the smaller elementary schools in our system, students could be compared against a cohort of as small as 50 students in a grade. At an extremely small school like Monocacy Elementary School with 161 students in Pre-K to 5th grade, there could be just 20 students in a grade to compare to, with a limit of 2 selected as GT. At some charter schools, this pool is even smaller. In a random sample of students, this amount would never be considered a sufficient sample size. The new policy takes it even further into statistical insignificance by considering a non-random sample of students, which is unnecessary when quality data from the whole population is readily available.

Literature on gifted education suggest that gifted students perform better socially and academically among gifted peers. In a 1990 study by Luftig and Nichols, gifted girls were found to be most commonly outcast socially, and gifted boys attempted to mask their intelligence through humor. Gifted students face many challenges socially, and the best way to support gifted students is either through familial support, or to assemble them in groups of gifted peers. The latter is controllable by the school system; the former is not. The two concerning revisions previously outlined will increase competition among

students to obtain a fixed number of gifted designations, potentially eroding the camaraderie between them that we have sought to build.

We, the Chinese American Parents Association, would like to present an alternative to implementing the two concerning revisions. We suggest that the State Board of Education develops an objective standard based on well researched national norm to define giftedness in conjunction with the universal screening to identify all gifted children accurately and completely. We all have the same goal in the end – to provide the best and most relevant opportunities for each child in our school system. Our hope is that the COMAR 13A.04.07 can be revised to better reflect our goal, which is to bring more opportunities to gifted students.

COMAR 13A.04.07 Gifted and Talented Education
Regulation .02 Identification of Gifted and Talented Students
Montgomery County Public Schools Comment

Background: The Maryland State Board of Education proposes to amend Regulation .02 under Code of Maryland Regulations (COMAR) 13A.04.07 Gifted and Talented Education in Maryland. The purpose of this action is to “provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services needed to develop these students’ full potential. Montgomery County Public Schools (MCPS) wishes to comment on the proposed regulations.

Comments:

MCPS supports providing greater access to curriculum and programs for highly able students, ensuring that institutional barriers to participation are removed and that there are opportunities for all students, regardless of background. The revision to COMAR 13A.04.07 aligns with the district’s philosophy and practice, and provides MCPS an opportunity to clarify our identification process, and expand programs and services. Current Montgomery County Board of Education policies, MCPS regulations, and procedures may be found here: <https://www.montgomeryschoolsmd.org/curriculum/enriched/>

- In regard to proposed Regulation .02 (D) *“A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3. Additional identification shall occur at the 3–5 and 6–9 grade bands for participation in programs and services described in Regulation .03 of this chapter.”*
 - MCPS supports the theory of universal screening and currently implements this practice within Grade 2, but is concerned about the implications of identifying at least 10 percent of students in each school. Although MCPS has no schools that fall below that threshold, mandating identification of a set percentage of students at each school may undermine current MCPS processes that rely on multiple indicators to effectively identify students, particularly students from diverse populations within our schools. If the State Board adopts this measure, MCPS suggests removing the stipulation of 10 percent of students in each school, and focus on adding language related to monitoring school districts’ progress toward increasing identification of highly able students and their access to enriched and accelerated programs and services.
 - In addition, MCPS applauds the state’s proposal for universal screening within the 6–9 grade bands. The timing for implementing the screening, however, places fiscal demands on school districts that have not yet established the process. MCPS, for example, will be required to secure significant funds already allocated within the current fiscal year budget to develop and operationalize a 6–9 grade band universal screening process to identify students for participation in programs and services by September 1, 2019. If the State Board adopts this measure, MCPS suggests a staggered timeline for implementation.



**ANNE ARUNDEL
COUNTY PUBLIC SCHOOLS**

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January 21, 2019

Susan C. Spinnato
Director of Instructional Programs
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

Dear Ms. Spinnato:

On behalf of Anne Arundel County Public Schools (AACPS), I am submitting this public comment on proposed amendments to COMAR 13A.04.07 Gifted and Talented Education.

The purpose of the proposed changes is to provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services. These proposed revisions would make significant changes to gifted and talented education programs by establishing the minimum standards for student identification, programs and services, professional learning, and reporting requirements.

AACPS appreciates the intent of the proposed changes to gifted and talented education. We recognize that each school system has gifted learners and we support the use of a research-based process to identify and support these students. While we support measures that assist us in meeting the needs of these exceptional students, we have concerns with proposed revisions to .02D. The proposed changes, would require each school to identify at least 10 percent of students as part of the universal screening process for gifted and talented education.

Requiring every school to identify at least the top 10 percent of students in each school will, undoubtedly, force some schools to include students whose abilities are more aligned with average or grade-level expected ability and achievement level as opposed to those of gifted and talented students. This proposed requirement would create a flexible definition of gifted and talented. In doing so, we believe that programs for truly gifted students would be negatively impacted and diminished. Additionally, this proposed requirement would create an inconsistent set of standards across the State. To reach the 10 percent mandated quota, gifted programs could actually lower the standards for our highest achievers. In fact, a 10 percent requirement may very well result in a student being identified as gifted and talented in one school district but ineligible at another school to which the student transfers. In addition, a student may be identified as gifted and talented in one school and ineligible for such designation if the student transfers to another school within the same school district.

It is important for the State Board to consider the diversity of Maryland's public school systems as they each have unique educational needs, policies, and finances. For example, it may be very difficult for a small, rural district to allocate the appropriate resources for a larger number of newly identified gifted students. Accordingly, a more sound solution is to allow each school system to identify gifted and talented students districtwide and, thus, providing for a uniform application of industry standards.

For all of the aforementioned reasons and issues raised, AACPS respectfully requests that MSDE withdraw these proposed amendments and collaborate directly with local school systems to address concerns. If MSDE determines to move forward with amendments to this regulation, AACPS requests that MSDE revise the proposed amendments to address the aforementioned issues and provide much needed clarification. Moving forward with the proposed amendments, as drafted, will only result in diluting gifted and talented programs and cause inequitable application across the State.

Thank you for your time and consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Jeanette Ortiz". The signature is written in a cursive, flowing style.

Jeanette Ortiz
Legislative & Policy Counsel

cc: Karen B. Salmon, Ph.D., State Superintendent
Justin M. Hartings, Ph.D., President
George Arlotto, Ed.D., Superintendent
Maureen McMahon, Ph.D, Deputy Superintendent



Monica Goldson, Ed.D.
Interim Chief Executive Officer

January 18, 2019

Susan C. Spinnato
Director of Instructional Programs
Maryland State Board of Education
200 West Baltimore Street
Baltimore, MD 21201

Re: Proposed Changes to COMAR 13A.04.07

Dear Ms. Spinnato:

Prince George's County Public School System (PGCPS) is dedicated to meeting the academic, social and emotional needs of all its students, including talented and gifted students. PGCPS has implemented TAG services since 1975 and continues to implement evidence-based gifted best practices to address our students' needs. Our leadership team has reviewed the updated 13A.04.07 Gifted and Talented Education COMAR Regulation, and we are excited to provide public comment.

PGCPS would like to commend the Maryland State Department of Education Gifted and Talented COMAR Regulation Team for making the following modifications.

- 02.C - Specifically stating, *the identification process shall use universal screening*. Much research has demonstrated that universal screening increases cultural, linguistic, ethnic, and economically diverse student populations in gifted programs. PGCPS has required universal testing in grades 1 and 3 since the late 1970's, and we have data to show that our Talented and Gifted (TAG) Programs have proportionally included African-American and English Learners since 2006. In some cases, we are slightly over-identifying African-American students. This practice ensures equitable access to screening for all students.
- 02.C - Specifically stating, *the identification process shall use multiple indicators of potential, ability, and achievement*. PGCPS supports the use of multiple indicators of potential, ability, and achievement. Historically, we have followed the National

Association for Gifted Children (NAGC) identification guidelines regarding the use of multiple indicators, proven to be an effective method for ensuring that inclusivity of all cultural, ethnic, and economic groups. Limiting identification indicators to a single instrument (i.e. achievement assessment) would likely result in the exclusion of students receiving gifted services, most likely twice-exceptional, English learners, students from low-socioeconomic backgrounds, and underachievers.

- 02.D - Specifically stating, *screening at multiple grade bands*. Through research and Local School System (LSS) TAG data, it is clear that the early identification for giftedness is critical for students from low socio-economic backgrounds. The data also shows that English language learners need time to learn English and acclimate to a new environment, so providing multiple opportunities for screening assists in identifying and serving these historically underrepresented populations. Providing screening early and often has been the practice of PGCPs, and this updated regulation will support that work.

The adoption of the following COMAR regulation proposal will require PGCPs to make some adjustments in identification and services. These changes are welcomed as they only enhance the services already provided.

- 02.E.1 - Specifically stating, *document early evidence of advanced learning behaviors, PreK—2*. Previously, PGCPs provided the MSDE Primary Talent Development Program from select low-socioeconomic schools, but the program was phased out due to lack of resources.
- 02.E.2 - Specifically stating, *develop equitable policies for identification and a process for appeals that are clearly stated in writing, made public, and consistently implemented systemwide*. The TAG leadership team is in the process of updating its related administrative procedure, and the appeals process will be included.
- 02.E.4 - Specifically stating, *provide ongoing professional learning for teachers, administrators, and other personnel in the identification procedures, characteristics, academic, and social-emotional needs of gifted and talented students*. PGCPs does provide professional learning opportunities for most of these topics; social-emotional needs of gifted and talented students would be a new focus for the team.

- 06.B.1 - Specifically stating, *facilitate a peer-review of local school systems' gifted and talented identification, programs, and services every 3 years.* PGCPSS is prepared to participate in a peer-review process.
- 6.B.2 - Specifically stating, *submit an annual report on the status and progress of gifted and talented students in Maryland to the State Board of Education.* PGCPSS has provided similar information for Bridge to Excellence Master Plan Updates and is prepared to submit an annual report.

The only major objection PGCPSS has with the COMAR Regulation is with *02.D. A universal screening process shall be used to identify at least 10 percent of students in each school as early as possible but no later than Grade 3.* PGCPSS currently identifies and services over 11% of its students in grades 2 -12 with gifted and advanced programming. The TAG leadership team has *not* located any research to support identifying 10% AT EACH SCHOOL. The team has reviewed cognitive ability and standardized achievement data from PGCPSS schools, and feels that arbitrarily taking the top 10% of students at each school at each grade level and placing a label of "gifted" *would do more harm than good.* It is understood that the intent here may be to ensure that more historically underrepresented student populations have access to gifted best practices, but over-identifying students for an accelerated and compacted curricula could be damaging for students' social and emotional well-being, as well as negatively impacting their academic understanding of grade level expectations. Placing students in an environment that may be beyond an appropriate Zone of Proximal Development could cause them to fail, withdraw, and/or underachieve. PGCPSS believes in casting a wider net and being more inclusive in its gifted services, but identifying the top 10% of students at each grade level *would not solve the problem* of identifying and serving historically underrepresented populations. By using different assessment criteria at each individual school in order to meet the minimum quota of 10% per school, we would be creating an inequity across the school system and between and among schools. A student in School A may have a cognitive ability test score of 60thile and be coded for gifted services, while a student at School B may have the same score or higher and not be coded for gifted services. Through the use of universal screening at multiple grade bands, and the use of multiple-criteria, PGCPSS has proved that these evidence-based best practices do increase the participation of historically underrepresented populations, as referred to earlier.

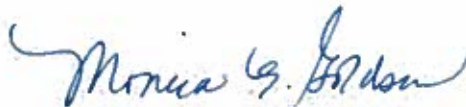
Through increased and ongoing professional development, communication, and parent engagement, PGCPS can continue to make strides toward being even more inclusive.

Additionally, identifying the top 10% at each school as gifted would be create great confusion about the meaning of giftedness. A child could be gifted at school A, but not at school B. PGCPS does have a transient student population, and students move from school-to-school during the school year. Limited staffing resources, both in the central office and in schools, would create a burden for all and would not benefit the child in any way.

Local School Systems (LSS) do not receive specific funding for gifted and talented services. MSDE and LSS do not require specific certification requirements for teachers of gifted students and few Institutions of Higher Education (IHE) provide pre-service courses in gifted education. PGCPS is dedicated to meeting the needs of its learners, regardless of labels, but highly recommends that the COMAR language be modified to clearly state that "at least 10% of students will be identified as gifted and talented *systemwide* and serviced at every school."

We appreciate the opportunity to provide comment on this important matter. If there are any questions, I can be contacted at 301-952-6008 or ceo@pgcps.org.

Sincerely,



Monica E. Goldson, Ed.D.
Interim Chief Executive Officer

January 22, 2019

Susan C. Spinnato
Director of Instructional Programs
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Ms. Spinnato:

The Maryland Association of Boards of Education (MABE) appreciates the intent of the significant amendments proposed for the state regulations governing gifted and talented education programs in each of Maryland's 24 local school systems, and in each school (COMAR Chapter 13A.04.07). The purpose of the proposed changes is to provide local school systems with direction for identifying students and developing and implementing the gifted and talented education programs and services needed to develop these students' full potential. These revised regulations would establish the minimum standards for student identification, programs and services, professional learning, and reporting requirements. Notwithstanding the laudable goals, as outlined below MABE believes the proposed regulations are fundamentally flawed and not aligned with current state statute.

State Intrusion of Local Authority

The proposed regulations exceed the legislative intent and scope of the statute governing state and local gifted and talented programs and services.

Section 8-201 of the Education Article states:

In this subtitle, "gifted and talented student" means an elementary or secondary student who is identified by professionally qualified individuals as: (1) Having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of a similar age, experience, or environment; (2) Exhibiting high performance capability in intellectual, creative, or artistic areas; (3) Possessing an unusual leadership capacity; or (4) Excelling in specific academic fields.

Nowhere in this statute is there a reference to any authority for the State Board to impose a uniform student assessment system for the identification of gifted and talented students. Rather, the statute clearly states that student identification is the responsibility of "professionally qualified individuals." MABE believes that the statute intends that these professionally qualified individuals are to be local school system employees, and to be identifying students based on locally developed, not state imposed, standards and protocols.

MABE's position is further evidenced by the statutory provision that provides only that "The State Board shall encourage each county board to develop and implement programs for gifted and talented students." In accordance with Section 8-203 of the Education Article, MABE does not believe that "encourage" should, or can, be interpreted to mean "require."

The extent of unwarranted intrusion of local board authority and school system discretion is further evidenced in the section of the proposed regulations which would authorized the State Board to "review and approve each local school system's identification process to ensure compliance with this regulations." (Proposed new COMAR 13A.04.07.02.F). This new section would also impose State-mandated assessments for gifted and talented screening" on any local school system not having received State Board approval. MABE believes that neither of these provisions are aligned with the limited scope of State Board authority under current law.

Arbitrary 10 Percent Standard

One of the proposed changes is to mandate a universal screening process that is to be used to identify at least 10 percent of students in each school as being gifted and talented. MABE believes this objective may be well-intentioned toward the goal of ensuring not only system-wide but also school-based access to gifted and talented programs. However, local school systems are very concerned about the lack of flexibility to the uniform standard being proposed. While this a well-intentioned objective, the mandate to identify "at least 10 percent" at "each school" rather than at the system-wide level could adversely impact students, schools, and the current established processes for the identification of gifted and talented students.

MABE is concerned that by establishing a uniform minimum percentage of eligible students at each school, it would be impossible to adopt or apply uniform eligibility standards either on a statewide or system wide basis. For example, under a set of uniform standards, if a school identifies only 5 percent of its students, then either another 5 percent would be required to be added to that school's roster of gifted and talented students, based on a lower threshold standard; or the entire school system's standards would have to be recalibrated to achieve the 10 percent threshold number of students at that school, resulting in significant increases of students identified at all other schools in the system. In either scenario, the arbitrariness of the 10 percent standard is evident.

Burdensome Amount of Student Testing

The proposed regulations would require testing of all students twice in elementary school and once in middle school. MABE is concerned that his amount of mandated system-wide testing would impose an undue burden on teachers, principals and students. A continuing concern for Maryland policy makers and local school systems is lost instructional time caused by state mandated assessments. Another concern is the potential for imposing an undue burden of testing, and re-testing, anxiety for students.

Unfunded Mandate

MABE recognizes that the State Board adopted an amendment to the State's Consolidated Accountability Plan to implement the Every Student Succeeds Act (ESSA) to include the category of gifted and talented students for accountability purposes. However, there is no federal or state funding source to support the broad scope of mandated student assessments and programs and services imposed by the proposed regulations.

Section 8-204 of the Education Article, which authorizes the State Board to "provide guidance, consultative and technical assistance, and fiscal support for [gifted and talented] programs" also provides that even such non-prescriptive guidance should be provided "to the extent funds are provided in the State budget or are available from other sources."

MABE strongly supports the recommendations of the Kirwan Commission on Innovation and Excellence in Education to significantly increase state, and local, funding to support services for students in categories including special education, English learners, and economic disadvantage. However, the Commission has not recommended a similar categorical funding stream to support gifted and talented students and related programs. Again, even if such funding was being recommended, it would not be available to implement the proposed regulations; regulations which should conform to the conditions set in section 8-204 of the Education Article.

Conclusion

As outlined above, MABE believes the proposed regulations exceed the statutory authority conferred on the State Board of Education under Section 8-201 through 8-204 of the Education Article. MABE believes the proposed regulations include an arbitrary and unworkable school-specific percentage of students to be identified. MABE believes the breadth and scope of the proposed mandated student assessment regimen would impose an undue burden on staff and students. MABE believes the proposed regulations would impose an unfunded mandate contrary to the legislative intent and plain meaning of the provisions of the statutory law.

MABE echoes and amplifies the position articulated by local school systems that gifted and talented students are enrolled in every school in the State, and that advanced learning opportunities should be offered to all students identified as gifted and talented. However, the current statutory law, which supersedes the State Board's regulatory authority, clearly grants each local school system broad discretion to develop and administer gifted and talented programs and services.

For these reasons, MABE respectfully requests that the State Board not grant final approval for these proposed regulations.