

## **Education of Gifted and Talented Children Act**

### **Section 904. Education of Gifted and Talented Children - Definitions.**

1. "Gifted and talented children" means those children identified at the preschool, elementary and secondary level as having demonstrated potential abilities of high performance capability and needing differentiated or accelerated education or services. For the purpose of this definition, "demonstrated abilities of high performance capability" means those identified students who score in the top three percent (3%) on any national standardized test of intellectual ability. Said definition may also include students who excel in one or more of the following areas:

- a. creative thinking ability
- b. leadership ability
- c. visual performing arts ability, and
- d. specific academic ability.

A school district shall identify children in capability areas by means of a multicriteria evaluation. Provided, with first and second grade level children, a local school district may utilize other evaluation mechanisms such as, but not limited to, teacher referrals in lieu of standardized testing measures;

2. "Gifted child educational programs" means those special instructional programs, supportive services, unique educational materials, learning setting and other educational services which differentiate, supplement and support the regular educational program in meeting the needs of the gifted and talented child;

3. "Department" means the State Department of Education;

4. "Board" means the Oklahoma State Board of Education;

5. "Act" means Sections 1210.301 through 1210.307 of this title. (70-1210.301)

*Note: Amended by HB 2041, Sec. 2, of the 1994 Reg. Sess.*

### **Section 905. State Department of Education to Administer Act.**

The Department of Education shall administer this act within the same section of the Department which administers the educational programs for all children other than those identified in Section 13-101 of this title. The Board shall adopt rules and regulations necessary to implement the provisions of this act. (70-1210.302)

### **Section 906. Manner of Administering Act.**

A. In administering this act the Department of Education shall provide:

1. The necessary State Department of Education staff with a primary responsibility for:
  - a. developing educational programs for gifted and talented children,
  - b. assuring appropriate assessment and evaluation procedures for use by school districts of this state, and
  - c. enforcing compliance with the provisions of Sections 1210.301 through 1210.308 of this title by school districts;
2. The procedures for educational screening, needs analysis and prescriptive programming for gifted and talented children by Regional Education Service Center personnel and others approved by the Department;
3. In-service training for selected teachers, administrators, college personnel, parents and interested lay persons;
4. Assistance in the development of new programs and the projection of program alternatives for the eventual provision of high quality programs for all identified gifted and talented children;
5. Recommendations to the State Board of Education concerning qualifications of teachers for gifted and talented children;
6. Recommendations for degree programs and short course seminars for the preparation of teaching personnel for gifted and talented children;
7. Selected procedural safeguards for all potentially identifiable and identified gifted and talented children;
8. Auditing of gifted and talented education programs in twenty-five (25) districts selected at random each year to determine compliance with the provisions of Sections 1210.301 through 1210.308 of this title as well as program monitoring and auditing for districts with extraordinary numbers of identified students, identified students who as a group are not representative of racial and socioeconomic demographics of district student population, unusual budget reports, inappropriate implementation policies or questionable gifted child programming; and
9. Any other programs, services, supplies or facilities necessary to implement the provisions of this act.

B. State Aid to a district shall be reduced by an amount equal to twice the amount of that portion of State Aid generated by the gifted and talented weight for each student the district has identified as gifted and talented for purposes of Section 18-201 of this title and for whom, upon

audit by the State Department of Education, the district has not demonstrated that the depth, breadth, and pace of the curriculum have been and continue to be in compliance with the provisions of Sections 1210.301 through 1210.308 of this title. The penalty prescribed in this section shall be enforced by reducing State Aid to the district during the next school year following the audit or completion of an appeal in the amount of the penalty. A district shall be subject to loss of State Aid pursuant to this subsection only upon verification of the district's failure to provide appropriate programs and services for identified gifted and talented students through an audit by the State Department of Education. The State Board of Education shall promulgate rules establishing a procedure by which districts against which a penalty is assessed may appeal to the Board. (70-1210.303)

*Note: Amended by HB 2041, Sec. 3, of the 1994 Reg. Sess.*

### **Section 907. Utilization of Prescriptive Teaching Materials.**

In administering this act, the Department of Education shall utilize, insofar as possible, prescriptive teaching materials, prescribed by appropriate testing and evaluation by Regional Prescriptive Teaching Centers. Such curriculum material shall be utilized for as many students as possible, by their regular or homeroom teachers. (70-1210.304)

### **Section 908. Combining Funds.**

In implementing this act, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving education of gifted and talented children. (70-1210.305)

### **Section 909. Criteria for Teachers.**

The State Board shall adopt criteria for qualifications for teachers of gifted and talented children, as well as criteria for special enrichment program instructors who may be professionals in fields other than education. (70-1210.306)

### **Section 910. Gifted Child Educational Program.**

A. It shall be the duty of each school district to provide gifted child educational programs and to serve those children, as defined in Section 1210.301 of this title, who reside in that school district. This duty may be satisfied by:

1. The district directly providing gifted child educational programs for such children;
2. The district joining in a cooperative program with another district or districts to provide gifted child educational programs for such children;
3. The district joining in a cooperative program with a private or public institution within such district; or

4. The district transferring identified gifted and talented children to other school districts which provide the appropriate gifted child educational programs, provided, no transfer shall be made without the consent of the board of education of the receiving school district. The district in which the child resides shall provide transportation for the transferred student and pay an amount of tuition equal to the proportion of the operating costs of the program to the receiving district. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe.

B. Each district shall, regardless of the method used for accomplishing the duty set forth in subsection A of this section, notify in writing the parents of each child identified as gifted of the fact that the child has been so identified. The district shall also provide each such parent a summary of the program to be offered such child.

C. Beginning with the 1994-95 school year, and each year thereafter, each board of education shall submit a plan for gifted child educational programs as defined in Section 1210.301 of this title to the State Department of Education which shall include:

1. A written policy statement which specifies a process for selection and assessment of children for placement in gifted and talented programs that is consistent for grades one through twelve;
2. A description of curriculum for the gifted child educational program. Such description shall demonstrate that the curriculum is differentiated from the normal curriculum in pace and/or depth and that it has scope and sequence;
3. Criteria for evaluation of the gifted child educational program;
4. Evidence of participation by the local advisory committee on education for gifted and talented children in planning, child identification process and program evaluation;
5. Required competencies and duties of gifted child educational program staff;
6. Number and percentage of students identified by the district as gifted children pursuant to subparagraph g of paragraph 2 of subsection B of Section 18-201 of this title; and
7. A budget for the district gifted child educational programs.

D. At the conclusion of the 1994-95 school year and each school year thereafter, the board of education of each school district shall prepare a report which outlines the expenditures made by the district during that year for gifted child educational programs. For districts which receive six percent (6%) or more of their total State Aid money for gifted and talented programs or which receive One Million Dollars (\$1,000,000.00) or more in State Aid for gifted and talented programs for the preceding year, the report shall identify expenditures by major object codes and program classifications pursuant to the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of this title. All other districts shall identify

expenditures by major object codes. Copies of the report shall be sent to the State Department of Education by August 1 of each year.

E. The State Department of Education shall, after each school year, report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the number of children identified for the programs, number of children served by the programs, types of programs provided, type of screening procedures utilized, cost analysis of the programs and the estimated number of gifted and talented children unserved by the programs. (70-1210.307)

*Note: Amended by HB 1744, Sec. 51, of the 1993 Reg. Sess. and HB 2041, Sec. 4, of the 1994 Reg. Sess.*

If a school district directly provides a gifted child educational program, the school district is not required to pay transportation and tuition expenses for gifted high school students who choose to enroll concurrently in college or university classes. March 8, 1996 (AG Op. No. 95-103)

### **Section 910.1. Local Advisory Committee - Gifted and Talented Programs.**

A. For the purpose of meeting the duty of each school district as set forth in Section 1210.307 of Title 70 of the Oklahoma Statutes, each district board of education shall create a local advisory committee on education of gifted and talented children or expand the duties of a curriculum advisory committee for the district to assist the district on gifted and talented programs. If the district creates a local advisory committee for gifted and talented children it shall consist of at least three but no more than eleven members. The district board shall appoint all members, at least one-third (1/3) of whom shall be selected from a list of nominations submitted by associations whose purpose is advocacy for gifted and talented children. The committee shall be broadly representative of the community. The committee shall be appointed no later than September 15 of each school year for two-year terms and shall consist of parents of children identified as gifted and talented and community members who may be but are not required to be parents of students within the district. At the first meeting the committee shall elect a chair and a vice-chair. If the district utilizes the curriculum advisory committee it shall appoint at least one member who is a parent of a child identified as gifted and talented or is a knowledgeable advocate for gifted and talented children.

B. A meeting of the local advisory committee or the curriculum advisory committee shall be called by the district superintendent no later than October 1 of each year for the purpose of addressing gifted and talented program issues. The advisory committee or curriculum advisory committee may meet at other times during the year as is necessary in meeting space furnished by the district. The district shall furnish staff for the advisory committee. All meetings of the committees shall be subject to the provisions of the Oklahoma Open Meeting Act.

C. The duties of the advisory committee for gifted and talented children or the curriculum advisory committee shall be to assist in the formulation of district goals for gifted education, to assist in development of the district plan for gifted child educational programs, to assist in

preparation of the district report on gifted child educational programs, and to perform other advisory duties as may be requested by the board of education. (70-1210.308)

*Note: Enacted by HB 2041, Sec. 4, of the 1994 Reg. Sess.*