

State Board of Education

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
Tom Grady
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

DPS: 2016-53
Date: October 14, 2016

Technical Assistance Paper

Development of Educational Plans for Students Who Are Gifted

Summary:

This technical assistance paper (TAP) updates some of the language on the development of education plans to reflect current research, which is that gifted students should receive gifted services even if their academic needs are being met in their courses. This TAP also provides guidance concerning the implementation of Rule 6A-6.030191, Florida Administrative Code, Development of Educational Plans for Exceptional Students Who Are Gifted.

Contact: Bureau of Standards and Instructional Support
850-245-0423

Status:

- New technical assistance paper
- ✓ Revises and replaces existing TAP: FY 2006-3; Development of Educational Plans for Students Who are Gifted

Table of Contents

A. Background.....	1
A-1. What is the background of educational plans (EPs)?.....	1
A-2. What are the components of Rule 6A-6.030191, Florida Administrative Code?....	1
B. EPs are developed for students identified solely as gifted	1
B-1. What is meant by a current EP for a student who is gifted?	1
B-2. Must an EP be developed for every student who is gifted?	1
B-3. Can a student have both an individual educational plan (IEP) and an EP?	2
B-4. May a student who is identified solely as gifted have test accommodations?	2
B-5. If the parent has indicated they prefer not to have services provided for the student, should goals and objectives still be prepared for the student in planning for the EP meeting?	2
C. The role of parents in developing EPs.....	2
C-1. What is the specific role of parents in developing an EP?.....	2
C-2. What rights are in effect for students who are gifted?	2
D. Parent participation in decisions concerning the EP	3
D-1. How will the district ensure parent participation in the EP process?	3
D-2. Who must receive a copy of the EP?	3
E. EP team participants.....	3
E-1. Who must participate in meetings to develop, review and revise EPs for a student who is gifted?	3
E-2. If the student sees more than one general education teacher, which teacher should be part of the EP team?.....	4
E-3. May the EP for a student who is gifted be developed, reviewed or revised at a group EP meeting for more than one student?	4
E-4. Who might be considered an interpreter of the instructional implications of evaluation results?	4
F. Contents of the EP.....	5
F-1. What should the contents of the EP include?.....	5
F-2. Can the contents of EPs of various students be similar?	5

F-3.	Must the goals for a student who is gifted be measurable?	5
G.	Considerations in EP development, review and revision.....	6
G-1.	What information should be provided on the EP regarding the strengths of the child?	6
G-2.	Does an EP have to specifically state that the student will be accelerated?	6
G-3.	What considerations should be addressed in identifying needs of a student who is gifted?	6
G-4.	How often is the EP required to be reviewed and what constitutes a review?	6
G-5.	May parents request a review of the EP beyond what is scheduled by the district?7	
G-6.	Who should develop the EP at transitions?.....	7
H.	Timelines for EP meetings and implementation.....	7
H-1.	How soon after development must the EP be implemented?	7
H-2.	Who is responsible for implementation of the EP?	8
Appendix A:	Rule 6A-6.030191 Development of Educational Plans for Exceptional Students Who Are Gifted.....	9

A. Background

A-1. What is the background of educational plans (EPs)?

An EP is a written plan for each child who is identified as eligible for gifted education describing the student's educational needs and the services that will be provided to meet those needs. Districts continue to have the responsibility to provide students in kindergarten through Grade 12 who are gifted with an appropriate EP. The EP is to be developed by the district based on procedures that must be specified in each district's Special Programs and Procedures (SP&P) for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and be consistent with the requirements of State Board of Education Rule 6A-6.030191, Florida Administrative Code (F.A.C.). The EP should provide detailed information that is useful to school personnel and to the student's parents. It should identify the special needs of the student related to the student's areas of giftedness and should identify the services that will be provided to ensure the student will progress appropriately.

A-2. What are the components of Rule 6A-6.030191, Florida Administrative Code?

The rule clarifies that EPs are developed for students identified solely as gifted. The role of parents in developing EPs is made clear regarding their participation in decisions concerning the EP for their child. The rule also specifies the EP team participants and the contents of the EP document. Considerations in the EP development, review and revision are provided, as well as timelines for EP meetings and implementation of the EP.

B. EPs are developed for students identified solely as gifted

B-1. What is meant by a current EP for a student who is gifted?

A current EP is an EP that has not exceeded the timeline for its duration, is in place at the beginning of each school year, is in place during the full-time equivalent (FTE) surveys and meets the needs of a student who is gifted. This plan should address the student's needs beyond the general curriculum resulting from the student's giftedness.

B-2. Must an EP be developed for every student who is gifted?

Yes. Rule 6A-6.030191, F.A.C., provides guidelines for developing an EP for students who are gifted.

B-3. Can a student have both an individual educational plan (IEP) and an EP?

No. A student with a disability must have an IEP, unless it is a Section 504 disability. For a student that is also gifted, the gifted goals are added to the IEP and follow all the IEP guidelines, including goals addressing all the special needs of the student. If the student does not have a disability and is solely gifted, then only an EP is developed.

B-4. May a student who is identified solely as gifted have test accommodations?

No. Students identified solely as gifted are not eligible for test accommodations.

B-5. If the parent has indicated they prefer not to have services provided for the student, should goals and objectives still be prepared for the student in planning for the EP meeting?

This is a district decision.

C. The role of parents in developing EPs

C-1. What is the specific role of parents in developing an EP?

Parents can provide critical information regarding the strengths of the child that may have a bearing on shaping the EP. For example, a parent may note if their child is working for scouting badges, is a volunteer in community organizations, is intensely emotionally sensitive, or has another characteristic or need that may impact academic progress. Parents can express their concerns for enhancing the education of their child so that the student receives a free appropriate public education. The parents can participate in discussions regarding their child's need for specially designed instruction. The EP team would analyze the child's strengths, consider current levels of performance and social-emotional needs, and discuss, as a team, how the child's needs might best be met and whether there may be a need for enrichment or acceleration through the school's Academically Challenging Curriculum to Enhance Learning (ACCEL) plan. The EP team should identify the specific nature of the educational services and how they will be provided. Parents can participate in determining what services the school district will provide and in what settings. The EP team should determine what services are appropriate for the child to make measurable academic progress and where the services will be provided.

C-2. What rights are in effect for students who are gifted?

The rights in effect for students who are gifted can be found in Rule 6A-6.03313, F.A.C., Procedural Safeguards for Exceptional Students Who Are Gifted. This information should be provided to parents as indicated in the rule.

D. Parent participation in decisions concerning the EP

D-1. How will the district ensure parent participation in the EP process?

The district shall establish procedures to provide assurance that parents are active participants in the EP development. Rule 6A-6.03313, F.A.C., provides specific information about prior notice of the EP meeting and what the notice should include. The rule includes the content and provision of the procedural safeguards notice to parents.

D-2. Who must receive a copy of the EP?

The parent receives a copy of the EP. The gifted-endorsed teacher who will provide the gifted service must also receive information about their specific responsibilities for implementing the EP (rule 6A-6.030191(7), F.A.C.). The EP shall be accessible to each teacher responsible for implementation. In addition, each teacher of the student shall be informed of the specific responsibilities related to implementation.

E. EP team participants

E-1. Who must participate in meetings to develop, review and revise EPs for a student who is gifted?

As stated in Rule 6A-6.030191, F.A.C., the EP team shall include the following:

- The parents of the gifted student;
- One regular education teacher of the student who, to the extent appropriate, is involved in the development and review of the student's EP;
- At least one teacher of the gifted program;
- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students who are gifted, is knowledgeable about the general curriculum and is knowledgeable about the availability of resources of the school district (at the school district's discretion, one of the student's teachers may be designated to also serve as a representative of the school district if able to provide the information cited);
- An individual who can interpret the instructional implications of evaluation results (this person may also be the teacher or local educational agency [LEA] representative);
- At the discretion of the parent or school district, other individuals who may have knowledge or special expertise regarding the student; and
- The student, as appropriate.

If the primary language of the parents indicates a need for an interpreter, one should be provided. This may include sign language or other mode of communication as necessary to ensure parent participation.

E-2. If the student sees more than one general education teacher, which teacher should be part of the EP team?

If the student has more than one general education teacher, the designated teacher should be in the area of the student's strength. For example, if the student is strongest and has the most need for challenge in math, then the math general education teacher should provide input, relating to the team how the student is currently performing in that area and any special needs to support continued progress. Pursuant to rule 6A-6.030191(3)(f), F.A.C., other teachers may provide input or written documentation as well.

E-3. May the EP for a student who is gifted be developed, reviewed or revised at a group EP meeting for more than one student?

Rule 6A-6.030191, F.A.C., does not address the issue of a group EP meeting. The language states that discussion at the EP meeting should focus on the individual student's current levels of performance and critical information regarding the strengths and interests of the student, the student's progress, and needs resulting from the student's giftedness, based on recent evaluations, class work or state and district assessments. These subjects are not intended to be covered with other parents or students present. It should be noted that the corresponding rules regarding the development of IEPs, services plans or individual family support plans also do not address the issue of group meetings as opposed to individual meetings.

The intent of the EP meeting is to look at how the student is gifted and what this student needs to address the student's strengths and needs appropriately.

E-4. Who might be considered an interpreter of the instructional implications of evaluation results?

The determination would depend on what evaluation results are going to be shared at the EP meeting. At the initial EP meeting, the psychologist may attend to interpret the results of an individually administered standardized test of intelligence. At a meeting to review or revise the EP, the evaluation results may be interpreted by a teacher or LEA representative familiar with the instructional implications of the assessments administered since the last EP meeting.

F. Contents of the EP

F-1. What should the contents of the EP include?

After identifying the strengths of the gifted student and what needs may then be appropriate based on the view of the student as discussed in questions B-3 and B-4, the team should look at how best to address challenges necessary for the student to perform to the best of the student's ability. Issues to discuss must include the following:

- Concerns of the parents for enhancing the education of their child to ensure an appropriate public education;
- Student's needs for specially designed instruction or curriculum modifications, based on changes in what a student is expected to learn and changes in how the student learns, dependent upon recent evaluations and assessments;
- Student's involvement and demonstration of progress in the general curriculum (Next Generation Sunshine State Standards);
- Services the school district will provide to ensure an appropriate education and suitable challenge for the student, including a statement of the specially designed instruction to be provided for the student;
- Determination of the measurable goals, including benchmarks or short-term objectives, that align with the needs of the student;
- A clear statement of how the student's progress toward the stated goals will be measured and then reported to the parents;
- In the case of a student with limited English proficiency, the language needs of the student as related to the EP; and
- Special needs the student evidences as a result of the student's giftedness; for example, priority educational needs or a determination of whether the student is an underachiever or a perfectionist, or whether there are social-emotional concerns related to gifted characteristics to consider.

F-2. Can the contents of EPs of various students be similar?

Yes, the contents may be similar, but they should reflect the student's individual strengths and goals. The focus of the EP should be on the student's giftedness and the services to help the individual student make appropriate progress.

F-3. Must the goals for a student who is gifted be measurable?

Yes, Rule 6A-6.030191, F.A.C., notes that the student's progress toward the goals (program and individual) will be measured and reported to the parents. The goals should relate to meeting the needs of the student that result from the giftedness to enable the student to receive an appropriate education. The intent is to demonstrate that the student is continuing to make academic and personal gains.

G. Considerations in EP development, review and revision

G-1. What information should be provided on the EP regarding the strengths of the child?

Any information that addresses learning characteristics, motivational characteristics, creativity and leadership, such as information that was gathered when the student was referred for gifted services, can be included. During the EP meeting, the parents should also be asked to provide significant information about their child in terms of interests, academic areas of strength and individual pursuits. The school may provide documentation of the student's present levels of performance based on test scores, classroom performance, student products and portfolio. School personnel could also provide information about the student's participation on teams or in school activities, role in competitions, and the student's strengths in a variety of academic areas.

G-2. Does an EP have to specifically state that the student will be accelerated?

Under ACCEL options in s. 1002.3105, Florida Statutes, any student may be eligible for acceleration and all districts are to have acceleration plans. It is up to the district whether acceleration is mentioned specifically in a gifted student's EP, or if the district will use the ACCEL process for this purpose.

G-3. What considerations should be addressed in identifying needs of a student who is gifted?

Rule 6A-6.030191, F.A.C., refers specifically to needs resulting from a student's giftedness. The team should consider what needs are evident beyond what is available in the general education setting. Also, what is the most important skill that the student needs in order to make progress commensurate with the student's abilities.

G-4. How often is the EP required to be reviewed and what constitutes a review?

Rule 6A-6.030191, F.A.C., states that meetings should be held to develop and revise the EP at least every three years for students in kindergarten through Grade 8 (K-8) and at least every four years for students in Grades 9-12. This does not specify any exact schedule. The rule states, "EPs may be reviewed more frequently as needed... or if the student's parent or teacher requests a review." An EP with measurable goals would require regular reports so progress can be noted and recorded. Assuming the goals and objectives are appropriate for the student and document student growth, reports to the parent would need to be timely to ensure the student's needs are being addressed.

Districts are required to define the timelines for the initiation, duration and review of the EPs in their SP&P documents. Spans of time related to academic growth, such as kindergarten or first grade, primary level, intermediate level, middle school or high school, may be appropriate intervals for EP duration. When frequency, location or duration of service changes, a new EP must be developed (rule 6A-6.030191(4)(e), F.A.C.)

Section (5) of the rule states:

- (5) Considerations in EP development, review and revision. The EP team shall consider the following:
 - (a) The strengths of the student and needs resulting from the student's giftedness.
 - (b) The results of recent evaluations, including class work and state or district assessments.
 - (c) In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.

Typically, a student, particularly a gifted student, would achieve a level within three years that would require the EP to be edited or reviewed, or both, if the goals are significant for the needs of the student. Students who are underachieving may need additional supports within this three year period as well. It is recommended that EP goals be reviewed informally on a regular basis in between the formal EP meetings so as to ensure progress and to determine if changes should be made at any time. Similar to an IEP, there should be regular updates on how the student is progressing toward those measurable goals so as to meet the EP reporting goals (rule 6A-6.030191(4)(d), F.A.C.). Those who develop the EP should ensure that it is a meaningful document for the student, geared to what the student needs, rather than a list of what a teacher is going to do for every student.

G-5. May parents request a review of the EP beyond what is scheduled by the district?

Yes. A parent or the school may request a review of the EP at any time. This may be done, for example, to determine whether the services provided for the student are appropriate based on progress reports, evaluation and assessment.

G-6. Who should develop the EP at transitions?

Following Rule 6A-6.030191, F.A.C., and the list of participants as described in question E-1, the makeup of the EP team is determined by the district and parent, a collaborative process in which there should be input from the sending professionals who are familiar with the special needs of the student, as well as from the receiving professionals who are familiar with the facilities and resources of the new setting and are able to help determine how appropriate services might best be provided.

H. Timelines for EP meetings and implementation

H-1. How soon after development must the EP be implemented?

The EP must be implemented as soon as possible after the EP meeting. An EP must be in effect before specially designed instruction is provided for the student. The EP identifies the projected date for services to begin, the anticipated frequency, location and duration of those services.

H-2. Who is responsible for implementation of the EP?

All teachers of the gifted student are responsible for implementation. The EP should be accessible to each teacher of the gifted student. Each teacher shall be informed of specific duties related to the implementation of the EP. The teachers of the gifted student must be informed of specific responsibilities related to implementing the EP (rule 6A-6.030191, F.A.C.).

Appendix A: Rule 6A-6.030191 Development of Educational Plans for Exceptional Students Who Are Gifted.

Educational Plans (EPs) are developed for students whose only identified exceptionality is gifted. For a student identified as gifted in accordance with Rule 6A-6.03019, F.A.C., and who is also identified as a student with a disability, as defined in paragraph 6A-6.03411(1)(f), F.A.C., the strengths, needs and services associated with a student's giftedness must be addressed in the student's individual educational plan (IEP) consistent with the requirements in Rule 6A-6.03028, F.A.C. Parents are partners with schools and school district personnel in developing, reviewing, and revising the EP for their child. Procedures for the development of the EPs for exceptional students who are gifted, including procedures for parental involvement, shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document and shall be consistent with the following requirements.

(1) Role of parents. The role of parents in developing EPs includes:

(a) Providing critical information regarding the strengths of their child;

(b) Expressing their concerns for enhancing the education of their child so that they receive a free appropriate public education;

(c) Participating in discussions about the child's need for specially designed instruction;

(d) Participating in deciding how the child will be involved and progress in the general curriculum; and,

(e) Participating in the determination of what services the school district will provide to the child and in what setting.

(2) Parent participation. Each school board shall establish procedures that shall provide for parents to participate in decisions concerning the EP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one or both of the parents or legal guardians of a student who is gifted is present or is afforded the opportunity to participate at each EP meeting:

1. Notifying parents or legal guardians of the meeting early enough to ensure that they will have an opportunity to attend; and,

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice of the meeting must be provided to the parents or legal guardians and must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child.

(c) If neither parents or legal guardians can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; or
3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parents understand the proceedings at an EP meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parents a copy of the EP at no cost to the parents.

(3) EP team participants. The EP team shall include the following participants:

(a) The parents of the student in accordance with subsection (2) of this rule;

(b) One regular education teacher of the student who, to the extent appropriate, is involved in the development and review of the student's EP. Involvement may be the provision of written documentation of the student's strengths and needs;

(c) At least one teacher of the gifted program;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students who are gifted, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, one of the student's teachers may be designated to also serve as the representative of the school district;

(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (3)(b)-(d) of this rule;

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student. The determination of knowledge or special expertise of any individual shall be made by the party who invites the individual to be a member of the EP team; and,

(g) The student, as appropriate.

(4) Contents of EPs. EPs for students who are gifted must include:

(a) A statement of the student's present levels of performance which may include the student's strengths and interests; the student's needs beyond the general curriculum; results of the student's performance on state and district assessments; and evaluation results;

(b) A statement of goals, including benchmarks or short-term objectives;

(c) A statement of the specially designed instruction to be provided to the student;

(d) A statement of how the student's progress toward the goals will be measured and reported to parents; and,

(e) The projected date for the beginning of services, and the anticipated frequency, location, and duration of those services;

(5) Considerations in EP development, review and revision. The EP team shall consider the following:

(a) The strengths of the student and needs resulting from the student's giftedness.

(b) The results of recent evaluations, including class work and state or district assessments.

(c) In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.

(6) Timelines. Timelines for EP meetings for students who are gifted shall include the following:

(a) An EP must be in effect at the beginning of each school year.

(b) An EP shall be developed within thirty (30) calendar days following the determination of eligibility for specially designed instruction and shall be in effect before the provision of these services.

(c) Meetings shall be held to develop and revise the EP at least every three (3) years for students in Kindergarten – grade 8 and at least every four (4) years for students in grades 9-12. EPs may be reviewed more frequently as needed, such as when the student transitions from elementary to middle school and middle to high school or if the student's parent or teacher requests a review.

(7) EP implementation. An EP must be in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

(a) The EP shall be accessible to each of the student's teachers who are responsible for the implementation.

(b) Each teacher of the student shall be informed of specific responsibilities related to implementing the student's EP.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(1) FS. Law Implemented 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57 FS. History—New 9-20-04, Amended 1-7-16.