

CHAPTER 51

PROVISION OF APPROPRIATE EDUCATIONAL PROGRAMS AND OPPORTUNITIES FOR EXCEPTIONAL CHILDREN WHO ARE GIFTED AND TALENTED

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§8-51-1 Purpose. (a) All children and you have the right to develop their potential to the fullest. Recognizing this right, the department of education accepts the obligation to assist all students to develop their potential and recognizes that this goal can best be accomplished by providing appropriate educational opportunities.

(b) The department further recognizes the wide range of interests, motivations, and talents among students and believes that this diversity must be considered in the design and delivery of educational opportunities. Among these students are those who have demonstrated superior achievement or possess the potential for superior achievement. These students constitute a valuable and irreplaceable human resource because of their potential for making significant contributions to society. It is not possible to measure the loss to society, as well as to themselves, when educational opportunities are not in keeping with the particular needs and abilities of such students.

(c) The department is committed to providing appropriate educational opportunities at each school for its students. The department therefore acknowledges the necessity to identify gifted and talented students in various areas of giftedness and talent in every school and to make available appropriate educational opportunities, insofar as financial and physical resources are available within the department. The purpose of this chapter is to establish the procedures for the identification, programming and placement of gifted and talented students.

[Eff. AUG 23 1984] (Auth: HRS §§296-12,301-33, 301-34) (Imp: HRS §301-33)

§8-51-2 Definitions. As used in this chapter:

“Appropriate educational opportunity” means department approved programs as described in *A State Plan for Providing Appropriate Educational Opportunities for the Gifted and Talented*, department of education, September 1977, and the *Hawaii State Guidelines and Procedures for Gifted and Talented Education*, department of education, June 1982.

“Consent” means the parent approves of the proposed program for the gifted or talented

student after:

- (1) The parent has been provided with information relevant to the educational program for which the consent is sought, including a description of that option; and
- (2) The parent is informed that parental consent is required before placement is made.

“Creative ability” means capacity of a student to engage consistently in divergent thinking and unique productivity, or conceptualization at high levels.

“Days” means department workdays.

“Department” means the department of education, State of Hawaii.

“Gifted students” means students with test scores or performances substantially and consistently above average and who meet other multiple identification and selection criteria of the school.

“Identification” means those procedures that are designed to systematically screen and select students.

“Intellectual ability” means ability to perform or accomplish cognitive operations at two standard deviations above the norm as measured on a department approved standardized ability test or other evaluation measures.

“Leadership capability” means ability evident in those students who manifest a natural propensity to assume leadership roles in group activities.

“Parent” or “Parents” means the natural or legal parent, guardian, custodian, or a person acting as a parent of a child such as a grandparent or stepparent.

“Performing or visual arts ability” means ability evident in students who, as compared to their age-mates, demonstrate exceptional skills or potential in areas such as art, dance, music, drama, or speech.

“Potential for superior achievement” means present or latent superior ability as determined by analysis of test scores, performance or other means of identification.

“Program” or “Programs” means appropriate educational options which are provided to a gifted or talented student in accordance with the school’s plan.

“Psychomotor ability” means aptitude displayed through the body movements with demonstrated high ability or attainment in either gross or fine manipulative activities such as athletic, dance or mechanical skills.

“Specific academic ability” means ability exhibited by students whose academic potential or academic performance in one or two specific curricular areas, such as mathematics or languages, exceeds what is normally expected of student, such as functioning at two standard deviations above the mean on department approved achievement tests.

“Student” means a person subject to the State’s compulsory school attendance law and who is enrolled in and attending a public school administered by the department.

“Superior achievement” means student achievement which is consistent and substantially above average as measured by standardized test scores or performances as judged by professionals and experts in their fields.

“Talented students” means students who meet the school’s multiple identification and selection criteria largely based on the students’ products or performance. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-3 Applicability. Any action relating to identification, program, placement, or evaluation of students who are gifted and talented or who may be potentially gifted and talented, shall be undertaken in accordance with this chapter. This chapter applies to all persons who are

subject to the State's compulsory school attendance law and who are enrolled in and attending a public school administered by the department. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-4 Authority. The principal and district superintendent shall provide students who are gifted and talented an appropriate public education in accordance with this chapter and within available funding, or other resources. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-5 School committee for gifted and talented.

(a) Each school shall have a school committee for gifted and talented composed of at least three members, one of whom shall be a school administrator or designee. The principal shall appoint its members from among teachers, parents, department of education administrators, counselors, and professional experts.

(b) Responsibilities of the committee shall include the following:

- (1) Reviewing the student profiles of the eligible candidates;
- (2) Rating each candidate using an individual student rating matrix form, or case study form;
- (3) Recommending the selection of student for placement in a gifted and talented program; and
- (4) Periodically reviewing gifted and talented students progress for possible revision of their program.

[Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-6 Identification procedures. Gifted and talented students shall be identified by the schools in accordance with the following procedures:

- (1) The school shall initially screen its student enrollment for gifted and talented students by using multiple factors, including test scores, nominations, student's products, and past records;
- (2) The school shall administer additional assessment instruments as needed to those students so identified;
- (3) The school shall compile data on these students by using a matrix or case study form;
- (4) The school committee for gifted and talented shall review the data and recommend to the principal or designee the selection of students for participation in an appropriate gifted and talented program; and
- (5) The principal or designee shall make the selections and obtain consent for placement of students in a gifted and talented program. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-7 Criteria for selection. Students who participate in programs for gifted and talented shall meet the following two criteria:

- (1) Demonstrate, or show potential for, superior achievement through available assessment instruments, observations, and rating scales in one of the following areas of giftedness and talent:
 - (A) Intellectual ability;

- (B) Specific academic ability;
 - (C) Creative ability;
 - (D) Leadership capability;
 - (E) Psychomotor ability; or
 - (F) Performing and visual arts ability; and
- (2) Meet the standards and requirements of the school's gifted and talented programs through additional factors and measures.
[Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-8 Placement and programming.

(a) Placement of gifted and talented students shall be in appropriate educational settings in accordance with the school's program for gifted and talented, as approved by the district superintendent. Placement shall be made with consent of the parent.

(b) Programs for gifted and talented students shall be flexible and provide special emphases as follows:

- 1) Progression of students at their own rate and in accordance with their special interests and talents;
- (2) Diversity of high level learning experiences in school and community;
- (3) Time to be with other students of similar ability so they may learn from each other;
- (4) Guidance activities to understand themselves better, to develop interpersonal skills, and to make the best use of their educational opportunities. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-9 Record keeping. Records shall be maintained and updated yearly by the school for each student participating in a gifted and talented program. The records shall be made a part of the student's permanent educational record. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)

§8-51-10 Reevaluation. A reevaluation may be requested after the student has participated in a gifted and talented program for at least thirty days, if the student, teacher, or parent does not consider the placement to be appropriate and of benefit to the student. Reevaluation may result in maintaining or revising the student's educational setting or program. [Eff. AUG 23 1984] (Auth: HRS §§296-12, 301-33, 301-34) (imp: HRS §301-33)