Some Thoughts on Florida's Proposed Gifted Rule Revision

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In 2006, the Florida Department of Education drafted a proposed revision to the state's gifted rule (6A-6.03019) which would eliminate the option for districts to develop alternate plans and criteria for identifying gifted learners from low-income and limited English proficiency backgrounds. The admittedly laudable goal for this revision is to provide a uniform identification process for its gifted learners, but I find there are several aspects of the proposed new rule that may have unintended adverse consequences.

As I write this, the full text of the current rule is available online at http://www.firm.edu/doe/rules/6a-63.htm#6A-6.03019, and the proposed revision is available as a PDF file published by the Florida Administrative Weekly at http://faw.dos.state.fl.us/newfaw/FAWVOLUMEFOLDE RS2006/3242/SECT1.pdf. Because the state of Florida has one of the largest and most diverse school populations in the United States, as well as relatively strong gifted education mandates and funding, it is important to consider Florida's experiences as an indicator of where other states may be heading in the future.

The new gifted rule that has been proposed would allow students who obtain scores of 4 or 5 (of the five possible outcome categories) on the statewide Florida Comprehensive Achievement Test (FCAT) to be identified as gifted if they obtain IQ scores of 120-129. An IQ score of 130 or higher would be sufficient on its own for gifted placement. No student with an IQ score below 120 would be able to qualify. In contrast, the current rule does not mandate a minimum IQ score for gifted students from low-income or limited English proficient backgrounds, and most districts currently allow these learners to qualify if they obtain IQ scores of 115 or higher.

From the standpoint of equity, the proposed new criteria are less than ideal. As noted in Part II, paragraph 4 of the National Excellence report (Ross, 1993):

Several categories of talented children are particularly neglected in programs for top students. These include culturally different children (including minority and economically disadvantaged students), females (who are underserved in mathematics and science programs), students with disabilities, high potential students who underachieve in school, and students with artistic talent. Some schools are discouraged from serving these students by state laws or regulations which require the schools to use certain IQ cutoff scores or specific levels of performance on standardized tests [italics added].

District data shared at one of the public hearings held on the proposed new rule demonstrate that it would dramatically increase the number of mainstream learners considered gifted, while it would simultaneously deny gifted placement to the relatively few Florida students from underrepresented backgrounds (see Shaunessy, Matthews, & Smith, 2006) who have qualified under current procedures. By this two-pronged assault on the diversity of the student body eligible for gifted programming, the proposed rule would subject educational institutions in Florida to the sorts of costly and time-consuming legal challenges that produced the current two-track identification plan. Furthermore, no additional state funding would be provided to districts despite the huge increase in the number of psychological evaluations that the new criteria would mandate. I would prefer that the Department of Education take advantage of the golden opportunity a rule revision offers to become a national leader in gifted identification, rather than return to being a proving ground for civil rights lawsuits.

If a new rule is indeed necessary, it should be one that clearly takes into account research findings on identification, as well as the experiences of other similar states such as Georgia that have adopted a multiple-criteria identification approach (e.g., Krisel & Cowan, 1997). The Georgia approach retains IQ (mental ability) as part of the gifted identification process, but also recognizes creativity—which would be removed from consideration in Florida under the new proposed rule—as well as criteria based in motivation and academic achievement. Portfolio evaluations are also specifically provided for under the Georgia rule (McBee, 2006), offering an alternative entry path for those gifted learners who may be unable to meet strict test-based criteria due to their emerging language proficiency in English, specific learning disabilities, or other issues that adversely influence test performance.

Other aspects of the proposed rule also are troublesome. As written the rule would require high marks in both IQ and achievement, measures that tend to be correlated. Despite their strong relationship, requiring both criteria is likely to yield false negatives, i.e., a failure to identify some learners who are in fact gifted. Allowing lower IQ scores if achievement scores are high is likely to identify substantially more high-achieving learners as gifted, adding many students who already are well served by other program options such as AP and IB coursework. A more equitable approach would set a high standard, but would...
require superior performance in either IQ or achievement. An equitable approach should also allow other, alternative pathways through which to demonstrate superior ability or achievement in specific domains.

The use of the FCAT scores of Levels 4 and 5 is problematic in itself, because it is unclear how these levels are determined, how the proportion of students attaining these levels may change from year to year, or the degree of relative ability that these levels actually indicate. This information has not been forthcoming from those charged with developing the FCAT program, nor is it clear that this test has a sufficient ceiling to identify gifted learners. If we are to believe that all students will be proficient by 2014, as mandated by NCLB, then performance levels 4 and 5 soon may encompass one half to two-thirds of the school population. This clearly would not be sufficiently exclusive for the label "gifted" to retain any real meaning. Rather, restriction of the gifted category to somewhere less than ten or perhaps even less than five percent of the student population would allow this label to encompass real differences that can be served through provision of appropriately differentiated curricula. If a standardized achievement test such as the FCAT is to be used for gifted identification, provisions should be made for it to be given as an above-level test. The talent search approach has demonstrated the feasibility and success of this approach to gifted identification (Lee, Matthews, & Olszewski-Kubilius, in press). A defensible approach using achievement test results also might rely upon national percentile ranks or developmental standard scores, both of which carry more information than performance levels do, and therefore are able to discriminate more finely among different levels of ability.

Other concerns are equally relevant to both the current and proposed state rules. Policy language mandating the use of characteristics checklists is not specific. Currently, many Florida districts use checklists for gifted identification that show no evidence of validity or reliability, or that rely on evidence that is outdated. Any change to the gifted rule should include language specifying that such characteristics checklists must be nationally normed, ideally within the past six to ten years, or locally normed with populations that are representative of learners in Florida schools.

There is wide latitude in how 'need' for gifted services is operationalized in Florida school districts. What does 'need' mean? It might mean that gifted program services reflect students' academic capabilities (e.g., accelerated pace) as well as their affective characteristics (e.g., tolerance for ambiguity, desire for complexity). Leaving need entirely to local interpretation can allow this criterion to be used inappropriately in the identification process. A clear rule should specify what 'need' looks like, as well as how it can be established.

Although the goal of having a uniform gifted identification rule is commendable, the draft rule as currently proposed clearly would benefit from additional development. It is my hope that these concerns may lead to discussion in Florida, as well as in other states seeking to update their policies for gifted learners. I would like to believe that those educators who have chosen to work with gifted learners possess both the desire and the ability to lead the way in identifying and serving these students, rather than settling for a return to the practices of an earlier era.

References


