

Questions and Answers about Gifted and Talented Education in the Every Student Succeeds Act (ESSA)

Q: What is the ESSA?

The *Every Student Succeeds Act* (ESSA) is the name of the 2015 legislation that revised and reauthorized the federal K-12 education law known as the Elementary and Secondary Education Act of 1965 (ESEA). Prior to passage of ESSA, the law was referred to by the moniker No Child Left Behind.

ESSA/ESEA is the source of most federal K-12 education initiatives, such as Title I schools, accountability for student achievement, programs for English language learners, math-science partnerships, and Title II professional development. Approximately \$21 billion in federal funds under ESEA is distributed to the states and school districts each year through complex formulas based on student population and poverty and through individual grant programs.

Q: Is there anything in ESSA relevant to gifted and talented students?

Yes. ESSA retained the Jacob K. Javits Gifted and Talented Students Education Program, which was part of the prior ESEA, and added new provisions that address data collection and reporting, use of professional development funds, use of Title I funds, and computer adaptive assessments.

Q: Is anything required of states related to gifted and talented students?

Yes. There are two new requirements:

- States must include student achievement data at each achievement level that is disaggregated by student subgroup (e.g., low-income, race, English learners, gender, and students with disabilities). Previously, states provided detailed information for students performing at the proficient level and below. Now, states also will have to include information on students achieving at the advanced level.
- In applying for Title II professional development funds, states must include information about how they plan to improve the skills of teachers and other school leaders that will enable them to identify gifted and talented students and provide instruction based on the students' needs.

Q: Is anything required of districts related to gifted and talented students?

Yes. There are two new requirements:

- Districts ("local education agencies" in ESSA) must collect, disaggregate, and report their student achievement data at each achievement level, as the states must do.

- Districts that receive Title II professional development funds must use the money to address the learning needs of all students. ESSA specifically says that “all students” includes gifted and talented students.

Q:What about the Javits program?

The Jacob K. Javits Gifted and Talented Students Education Program, which has been operating since 1988, was retained in ESSA. The program focuses grant funds on identifying and serving students who are traditionally underrepresented in gifted and talented programs, particularly minority, economically disadvantaged, English language learners, and children with disabilities, in order to help reduce gaps in achievement and to encourage the establishment of equal educational opportunities for all students. In addition, the Javits program funds a national research center on gifted education, and when funding permits, also funds grants to states to improve the ability of elementary and secondary schools to meet the special educational needs of gifted and talented students. As with other grant programs, Congress must provide funding for the Javits program each year. Information about the current group of grantees is available on the NAGC website.

Q:What else is noteworthy in ESSA?

There are several other provisions in ESSA that support gifted and talented students:

- For the first time, ESSA specifically notes that districts may use Title I funds to identify and serve gifted and talented students.
- ESSA now allows states to use computer adaptive assessments as the format for state assessments used for accountability purposes and authorizes grant funding to states to develop such assessments.
- Districts may use their Title II professional development funds to provide training on gifted education-specific instructional practices, such as enrichment, acceleration, and curriculum compacting.

Gifted Education Provisions of the *Every Student Succeeds Act*

(page #s refer to “[FINAL conference report](#)” dated Nov 30, 2015)

TITLE I – Improving Academic Achievement of Disadvantaged Students

Disaggregation of student achievement data at each achievement level on state & local report cards

Sec. 1111. State Plans (p 38)

(h)(1)(C) minimum requirements for state report cards (p 115)

(ii) **For all students and disaggregated by each subgroup of students** described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) **at each level of achievement**, as determined by the State under subsection (b)(1).
(pp 117-118)

(h)(2)(C) Local Education Agency Report Cards Minimum requirements (same as required for state report cards) (p 125)

Local Education Agency Plans may include information specifically about identifying and serving gifted and talented students

Sec. 1112. Local Education Agency Plans (p 131)

(b) Plan Provisions (p 134)

(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, **which may include** how the local educational agency will—

(A) assist schools in identifying and serving gifted and talented students;
(p138)

States using computer adaptive assessments / grants to fund development of computer adaptive assessments

Sec. 1111(b) Challenging academic standards and academic assessments (p 47)

(b)(2) Academic assessments (p 52)

(b)(2)(J) Adaptive Assessments (pp 73-76)

(J) ADAPTIVE ASSESSMENTS.—

(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

- (I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and
- (II) such assessment—
 - (aa) shall measure, at a minimum, each student’s academic proficiency based on the challenging State academic standards for the student’s grade level and growth toward such standards; and
 - (bb) may measure the student’s level of academic proficiency and growth using items above or below the student’s grade level, including for use as part of a State’s accountability system under subsection (c).

(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

- (I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—
 - (aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and
 - (bb) assess the student’s academic achievement to measure, in the subject being assessed, whether the student is performing at the student’s grade level; and
- (II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—
 - (aa) meet the requirements of this paragraph, including sub-paragraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and
 - (bb) assess the student’s language proficiency, which may include growth towards such proficiency, in order to measure the student’s acquisition of English.

Title II Part B (p 205)

Sec. 1201(a) State Assessment Grants authorized (p 206)

(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(p 209)

Title II – Professional Development

Including needs of gifted learners required in state Title II plans

Sec. 2101 Formula Grants to States (p 308)

(d)(2) State Application Contents (p 326)

(J) 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**.

(p 328)

Local education agencies including needs of gifted learners with Title II funds

Sec. 2103. Local Uses of Funds (p 335)

(b)(2) Types of **required** activities (p 336)

(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—

(2) **shall address** the learning needs of all students, including children with disabilities, English learners, and **gifted and talented students**; and

(b)(3) Types of **permissible** activities (p 336)

(3) may include, among other programs and activities—

(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

(i) early entrance to kindergarten;

(ii) enrichment, acceleration, and curriculum compacting activities; and

(iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

(p 343)

Title IV: 21st Century Schools

Subpart 4 – Academic Enrichment (p 625)

Sec. 4644 Supporting High-Ability Learners and Learning.

Javits Gifted & Talented Students Education Act (pp 636 – 642)