

Ignoring the Evidence: How Federal Education Policy Stifles Gifted Education

Kim Hymes

Ms. Johnston is an elementary school principal who works tirelessly to support the complex and comprehensive needs of more than 300 elementary school students, 85% of whom receive free or reduced lunch. When asked how she serves students with gifts and talents, her answer is quick and direct, “We don’t have any gifted students at our school.” Instead, she shares that most of her students are low performers and her focus has been on getting students to reach proficiency. After all, she says, her school has failed to meet state and federal benchmarks for years and getting students to reach an advanced level is a luxury she doesn’t have time for now.

Ms. Johnston is the product of a flawed federal education policy—specifically the No Child Left Behind Act of 2001 (NCLB), which has perpetuated myths regarding high-ability students, such as the notion that they will thrive without direct services and supports and also the notion that low performers cannot be gifted.

NCLB established policies that required data—mostly derived from standardized tests—be used as the basis for a standards-based accountability system, which both rewarded and penalized schools. Although many argue that punishing schools runs counter to supporting on-the-ground, school-level improvements, most would agree that subject areas and student populations that were counted in such a system received greater attention by educators and policymakers.

Unfortunately, gifted education and the needs of high-ability students were not one of the primary focus areas for this close, federal examination. After more than a decade’s worth of data, it is clear that high-ability students, particularly those from low-income and minority backgrounds, have languished under federal education policies, namely NCLB.

Although there is bipartisan legislation pending in the U.S. House of Representatives and U.S. Senate—the CEC-endorsed TALENT Act (H.R. 2338/S.512)—to draw greater attention to this overlooked student population, for low-income and minority students changes to policy and practice need to occur now. For these students, there continues to be limited access to gifted education, lackluster academic performance at top achievement levels, and limited postsecondary and lifelong opportunities. Educators and policymakers have an opportunity to examine data

from the state, school, and student levels to better craft an equitable education for all students.

Limited Access to Gifted Education

Federal education policy is largely silent on addressing the needs of America’s more than 3 million students with gifts and talents ([Office for Civil Rights \[OCR\], 2009](#)), leaving decisions about programming, service delivery, identification, and instruction up to state or local governments and school districts. The sole federal program dedicated to identifying evidence-based practices in gifted education, the Jacob K. Javits Gifted and Talented Students Education Act, was only funded at \$5 million for fiscal year 2014, following an absence of any funding between 2011–2013.

As a result, the availability of gifted education remains irregular, with only 28 states mandating identification and 26 states mandating services ([National Association for Gifted Children \[NAGC\], 2013](#)). When coupled with the minimal investment states are making into gifted education—14 states currently do not provide any funding for gifted education in their local school districts and only nine states provide between \$1 million and \$10 million—it becomes obvious how disparities in accessing gifted education exist across the nation ([NAGC, 2013](#)).

Consistently, the Office for Civil Rights (OCR) within the U.S. Department of Education has found that students who are African American, Hispanic, and/or from low-income backgrounds participate in gifted education programs at much lower rates than their White, Asian, and more-advantaged peers. Moreover, the OCR has stated that Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin,

includes a denial of access to college- and career-preparatory courses, programs, and other education opportunities.

In an analysis of its enforcement activities between 2009–2011, OCR (2011) found, “A number of cases have revealed, among other inequalities, racial disparities in the availability of and enrollment in Advanced Placement, college credit, gifted and talented and other higher-level courses” (p. 6). There are many possible reasons for this underrepresentation, including absent federal, state, and/or local policies; identification instruments or methodology that are not culturally or linguistically sensitive; and/or lack of gifted education services that impede identification.

There are useful tools for practitioners to determine if certain student groups are underrepresented in gifted education programs. The OCR provides a searchable database of schools that shares the percentage of student subgroups enrolled in gifted and talented programs within the makeup of the student body. This comparison allows users to determine how students of a particular demographic are represented in gifted programs. (For more information, click [here](#).)

Another practitioner-friendly tool is the *Civil Rights Review: Gifted Education Program Checklist for Underrepresentation*. The five-point checklist allows educators to take an honest and instructive look at their current gifted program and map out an equitable path forward for all students (Coleman & Ford, n.d.).

Lackluster Performance at Top Performance Level

International assessments, such as Programme for International Student Assessment (PISA), have consistently ranked the United States far behind other developed countries such as Singapore, Shanghai-China, Korea, Japan, and Switzerland, among other nations. In fact, fewer American students scored at the top levels on the 2012 PISA than in past years.

But it is not only on international assessments where American students are failing to reach advanced levels. *Talent on the Sidelines* indicated that, “Low income and minority students were much less likely to reach advanced levels of proficiency on state or national assessments, and the gaps between the top-performing disadvantaged students and White and more affluent peers were significant” (Plucker, Hardesty, & Burroughs, 2013, p. 1). This achievement gap at the top levels of performance has been deemed

the “excellence gap” (Plucker et al., 2013). To view the performance of your state, click [here](#).

An analysis of high-achieving students in the years after NCLB’s passage and implementation has shown that students performing at top levels on the National Assessment of Educational Progress (NAEP) have made minimal gains as compared to the greater gains made by their lower achieving peers (Duffett, Farkas, & Loveless, 2008). (See Figure 1). Furthermore, an analysis of the NAEP data shows that the typical high achiever is more likely to be affluent and White, attend a suburban school, be enrolled in an advanced math course (algebra, geometry, or algebra II in eighth grade), and have a mother who graduated from college (Duffett et al., 2008).

Closing the achievement gap between low and high performers has been a consistent theme in education policy conversations since NCLB’s passage. However, despite noble intentions to accelerate the growth of low-achieving students, research suggests that closing this achievement gap has been at the detriment to high achievers. When there is little or no growth among high achievers, improvement by low performers constitutes a closing of the achievement gap (Xiang, Dahlin, Cronin, Theaker, & Durant, 2011). In fact, top achievers actually lose ground as they progress in school. Xiang et al. (2011) reported that 30% to 48% of students scoring in the top 10% in reading or math tests descend from the top decile as they continue through years of school.

Unfortunately, high achievement and giftedness are far too often viewed as interchangeable, such as in the comment shared by Ms. Johnston, who stated that there were not any gifted students in her building because her students were primarily low achievers. In fact, “typical characteristics of gifted students may manifest differently in low-income, high ability learners” (Olszewski-Kubilius & Clarenbach, 2012, p. 3). Olszewski-Kubilius and Clarenbach (2012) provided practitioners and policymakers with a list of best educational practices for low-income, high-ability students that highlights tips for more accurate identification, programs and services, and growing a supportive school culture.

Recognizing the lackluster performance of America’s students, federal policies such as the NCLB waiver initiative underway at the U.S. Department of Education, which relieves states from some of the law’s most controversial



Figure 1. The life cycle for high-ability students under the No Child Left Behind Act.

provisions in exchange for adopting certain education reforms, may benefit students with gifts and talents. Currently, 42 states, the District of Columbia, and Puerto Rico have committed to implementing college- and career-ready standards as part of their NCLB waiver proposal, and some states, including Ohio and New Mexico, have committed to better examine the performance of students with gifts and talents. To view your state’s NCLB waiver, click [here](#).

Although many of these initiatives are still in their infancy, and the direct impact on gifted students remains largely unknown at this time, practitioners can take a few important steps to support the performance of students with gifts and talents in this new standards and assessment framework:

- Familiarize yourself with your state’s NCLB waiver and what, if anything, it stipulates for gifted students. This will help you frame conversations with your colleagues to ensure gifted students receive adequate attention.
- Learn about evidence-based identification and instructional strategies to support culturally diverse gifted learners by visiting CEC-TAG’s resources website [here](#).

Limited Postsecondary and Lifelong Opportunities

It is widely acknowledged that educational attainment results in individual and societal benefits. In fact, a bachelor’s degree translates into a 73% lifetime premium over just graduating from high school (McKinsey Global Institute, 2012).

However, for high-achieving, low-income students, postsecondary options may be limited as emerging research is demonstrating that such students drop out of high school or take longer to graduate at twice that of their higher income peers (Wyner, Bridgeland, & DiIulio, 2009), and are less likely to attend highly-selective colleges despite their greater affordability than less-competitive schools (Hoxby & Avery, 2013).

To address these issues, educators can explore many strategies, including:

- Confronting systemic issues of advanced coursework availability and access and dropout rates among high-ability, low-income or minority students.
- Encouraging students to apply to a mix of postsecondary schools (e.g., reach, match, and safe schools) instead of focusing solely on nonselective schools.
- Comparing out-of-pocket expenditures for all postsecondary options with students.
- Becoming knowledgeable about scholarships such as those available through the Jack Kent Cooke Foundation (visit <http://www.jkcf.org>).

Conclusion

The needs of far too many high-ability students from low-income, minority backgrounds are going unmet in our educational system, an unintended consequence of federal education policies. While the CEC-endorsed TALENT Act awaits Congressional action, educators and policymakers could support this student population by making data-driven decisions regarding access to gifted programming, promoting change in response to the few low-income, minority students reaching top achievement levels, and supporting a greater understanding of postsecondary opportunities.

References

- Coleman, M. R., & Ford, D. Y. (n.d.). *Understanding underrepresentation in gifted education*. Retrieved from http://www.cec.sped.org/News/CEC-Today/Need-to_know/Underrepresentation-in-Gifted-Ed?sc_lang=en
- Duffett, A., Farkas, S., & Loveless, T. (2008). *High achieving students in the era of No Child Left Behind*. Washington, DC: Thomas S. Fordham Institute.
- Hoxby, C. M., & Avery, C. (2013). *Low-income high-achieving students miss out on attending selective colleges*. Retrieved from <http://www.brookings.edu/about/projects/bpea/lastest/-conference/2013-spring-selective-colleges-income-diversity-hoxby>
- McKinsey Global Institute. (2012). *The world at work: Jobs, pay, and skill for 3.5 billion people*. Washington, DC: Author.
- National Association for Gifted Children. (2013). *State of the states report*. Retrieved from http://www.nagc.org/uploadedFiles/Gifted_by_State/state_of_states_2012-13/4082%20NAGC%20State%20of%20the%20Nation%202013-5.pdf
- Office for Civil Rights. (2009). *Estimated values for the United States*. Retrieved from <http://ocrdata.ed.gov/downloads/projections/2009-10/2009-10-Estimations-Nation.xls>
- Office for Civil Rights. (2011). *Title VI enforcement high lights*. Washington, DC: U.S. Department of Education. Retrieved from <http://www2.ed.gov/documents/press-releases/title-vi-enforcement.pdf>
- Olszewski-Kubilius, P., & Clarenbach, J. (2012). *Unlocking emergent talent: Supporting high achievement of low-income, high-ability students*. Washington, DC: National Association for Gifted Children.
- Plucker, J. A., Hardesty, J., & Burroughs, N. (2013). *Talent on the sideline*. Storrs, CT: Center for Evaluation and Policy.
- Wyner, J. S., Bridgeland, J. M., & DiIulio, J. J. (2009). *Achievement trap: How America is failing millions of high-achieving students from lower-income families*. Lansdowne, VA: Jack Kent Cooke Foundation.

Xiang, Y., Dahlin, M., Cronin, J., Theaker, R., & Durant, S. (2011). *Do high fliers maintain their altitude? Performance trends of top students*. Washington, DC: Thomas B. Fordham Institute. Retrieved from <http://www.edexcellence.net/publications-issues/publications/high-flyers.html>

About the Author

Kim Hymes is the Senior Directory for Policy & Advocacy at the Council for Exceptional Children. In this role, she leads federal legislative advocacy initiatives on Capitol Hill and within the U.S. Department of Education on behalf of 10 million children with disabilities and/or gifts and talents and the professionals who work on their behalf.

Permission to photocopy, reprint, or otherwise reproduce copyrighted material published in this journal by The Association for the Gifted should be submitted by email to the editors at edge.tag.editors@gmail.com.

Copyright © 2014 *Excellence and Diversity in Gifted Education (EDGE)*

Volume 1 Number 1

Spring 2014

Hosted at <http://cectag.org>