Legal Issues in Identifying and Serving Twice-Exceptional Gifted Learners

Michael J. Eig, Rich Weinfeld, & Paula Rosenstock

Introduction

The Council for Exceptional Children (CEC) estimates that there are approximately 3 million academically gifted children in grades K–12 in the United States. There is a subset in this population—those students who evidence the potential for high achievement in areas such as specific academics, general intellectual ability, creativity, leadership, and/or visual, spatial or performing arts, but who also have an educational disability that makes some aspect of achievement in school difficult. CEC estimates that there are approximately 360,000 students in this category nationwide (http://www.cec.sped.org/Special-Ed-Topics/Specialty-Areas/Gifted). These students are considered to be “twice-exceptional.” It is important to note that there is great variability within the population and their concomitant exceptionalities often mask each other. The one common characteristic of this group, however, is that they simultaneously possess attributes of giftedness as well as an area(s) of disability, which could include issues of general learning, or physical, sensory, attention, social/emotional, or behavioral functioning.

Although not explicitly stated, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) supports the identification of twice-exceptional students. The IDEA includes 15 different areas in which a student can be found eligible as a result of his or her disability, including learning disabilities, emotional disturbance, autism, and other health impairments (IDEA, 2010). Twice-exceptional students who qualify under the IDEA as having one or more of these disabilities must be accorded the same gifted instructional opportunities as their non-disabled peers. That equal access to gifted instruction requires that:

- gifted students with educational disabilities are identified as both gifted and as having an educational disability;
- gifted students with educational disabilities have access to Gifted and Talented (GT) instructional opportunities in their areas of strength;
- gifted students with educational disabilities receive appropriate individualized instruction, accommodations, and supplementary aids to enable them to succeed in GT and general education instruction.

A study by the U.S. Department of Education’s Office for Civil Rights (2014) concluded that only 1% of students who receive IDEA services are in gifted and talented education programs, compared with 7% of their general education peers (see http://www2.ed.gov/about/offices/list/ocr/docs/crdc-college-and-career-readiness-snapshot.pdf). In this article, we discuss why this is so, by examining the legal requirements and statutory framework that ensure that gifted students with disabilities are identified, have access to GT instruction, and are provided with the specialized instruction, accommodations, and supplementary aids that allow them to succeed in school (IDEA, 2010).

The concepts of gifted and talented and educationally disabled are defined in federal and state laws. Students who are twice-exceptional certainly show evidence of a high achievement capability if those gathering the evidence know how and where to look. It is crucial that those who are making the decisions about these capabilities understand how the disability may mask the gift and what these capabilities may, in fact, look like in students who are twice-exceptional.

There is no explicit legal mandate in federal law to serve twice-exceptional students, but a close look at the legal authorities related to both giftedness and educational disabilities reveals consistent support for such an entitlement as well as support and guidance that parents and staff can access to effectively advocate for services. A brief discussion of these authorities, including case law, statutes, regulations, and interpretations by the U.S. Department of Education (USDOE), can provide clarity and direction as parents and educators work to provide appropriate educational services for twice-exceptional students.

Who Are the Gifted and Talented?

Federal education policy defines gifted and talented as those:
students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities. (Strengthening and Improvement of Elementary and Secondary Schools, 2012, para. 7)

This definition is also utilized by CEC (https://www.cec.sped.org/Special-Ed-Topics/Who-Are-Exceptional-Learners/)

In addition, more than 30 states have adopted definitions of gifted and talented students, which focus on a student's potential for performing at high levels when compared with other students of his or her age, experience, or environment. The National Association for Gifted Children’s (NAGC) definition of giftedness includes the word “potential,” which is often key for twice-exceptional students; many of their assessments provide evidence of their potential, while their actual classroom performance might be adversely impacted due to educational disabilities (NAGC, 2013).

The services that are offered for gifted and talented students vary widely, with some, such as Pennsylvania and Kansas, going as far as providing an Individualized Education Program (IEP) for gifted students, while others offer little to no guidance for gifted instruction. Several states have the same or similar legal requirement of “Child Find” for identifying all gifted students who reside within their jurisdiction, regardless of public or private school enrollment. Parents and school personnel should check with their state department of education to see where their state stands in relation to gifted mandates and Child Find requirements (IDEA, 2005).

How Are the Gifted and Talented Identified?

NAGC (2008) maintained that the process for identifying gifted and talented programs must include: (a) defensible measurement practices aligned with program goals and objectives, (b) administration and interpretation of assessments by properly trained persons, and (c) ethical decision-making in program placement. NAGC also noted that assessment measures must be appropriate for, and sensitive to, students who have traditionally been underrepresented in gifted programs. The use of varied criteria in the identification of gifted students, as well as participation of multiple stakeholders, including teachers, parents, and other gifted advocates in decision-making is also supported. Clearly, decisions should never be based on a single assessment (NAGC, 2008).

Many school districts conduct a broad-based gifted screening process for their students during the elementary years, usually between grades 2 and 5. It is important that no student be excluded from this process because of a disability. From both an educational as well as a legal basis, there are some important principles that should be in place to ensure the screening procedures are accurate and thorough. First, schools should choose a committee that represents classroom teachers, special educators, art, or music teachers, and others, including guidance counselors and media specialists. These varied perspectives are essential in compiling a complete picture of each student (Weinfeld, Barnes-Robinson, Jeweler, & Shevitz, 2013).

Second, effective screening and selection procedures use multiple criteria. Parents, teachers, and other school staff should be part of the process, and tests should include those that measure critical thinking, problem solving, and verbal and nonverbal reasoning. Recommendations from different venues and student work samples also provide valuable information. Some of the best information may come from nontraditional sources, like portfolios and community nominations. It is important not to rely solely on test data or to exclude a student because of one low indicator. Nor should there be rigid cut-offs when evaluating performance on test data, but rather analyses of ranges of scores in relationship to all the other data can also be important (Weinfeld et al., 2013). The Council for Exceptional Children–The Association for the Gifted (CEC-TAG) and NAGC (2010) have jointly endorsed the Pre-K–Grade 12 Gifted Education Programming Standards that also recommend “non-bias-based approaches for identifying students with gifts and talents which may include using locally developed norms” (para. 5).

Unidentified twice-exceptional students often do not do well in this screening process. Teachers and even parents may see gifted students as lazy, unmotivated, and therefore not good candidates for rigorous instruction. Gilman (2013) noted, “Intellectual advancement may hide significant disability, disability may conceal giftedness, or the child’s strengths and weaknesses may appear average when combined with academic demands.” However, after an IQ test has been administered that patterns of strengths and weaknesses indicative of twice-exceptional students may emerge. Because broad scores may hide a student’s gifts, it is crucial that they be viewed in context. The individual assessment measures used may be more indicative of a student’s strengths and challenges. It is critical that children from different backgrounds and experiences, including those with special needs and learning difficulties, have a fair chance to be considered for gifted programs. The usual legal standard for being eligible for gifted programs is that they must continually assess children, for they grow and mature at different rates through their school years. For many of these students, the gift may only be evident when their abilities can no longer mask their disabilities, as the academic demands increase. At this point, a psychoeducational assessment may not only reveal the nature of the challenges, but the extent of the gift (Weinfeld et al., 2013).

What Does It Mean to Have an Educational Disability?

To understand how these gifted students are recognized and assisted by special education law and policy, we need to understand the basics of the foundational federal statute and interpretive case law. The IDEA is a federal law that provides a plethora of rights and protections to students with disabilities and their families. It is well known that under the IDEA as a child with a disability is entitled to a free and appropriate public education (FAPE), which is delivered through an Individualized Education Program. Through the IEP, a school system is charged with delivering specialized instruction to meet the unique needs of the child with a disability. The USDOE has made it clear that while not explicitly stated, twice-exceptional children do qualify for services under the IDEA, by explaining, “It remains the Department’s position that students who have high cognition, have a learning disability designation, and need specific educational and related services are protected under the IDEA and its implementing regulations” (Posney, 2010, para.3). Having a twice-exceptional student found eligible is sometimes a challenge, but once under the umbrella of the IDEA, it is important to understand how to ensure that the student is being afforded all of his or her rights.

Prior to the enactment of the IDEA, students with disabilities were routinely subject to discrimination. The earliest approaches to the education of children with disabilities were described as “orchestrating the monological times and for some time thereafter—had little to do with education and more to do with management. Children with physical or developmental disabilities were often cared for by the family and generally excluded from society. From the early 19th through the 1920s, the number of children with disabilities offered more educational approaches for specific disability groups such as deaf students or those with visual impairments, although often in isolated settings. In somewhat of a contrast, the education of children with developmental or behavioral disabilities was still more a function of social management. These children were frequently separated from the mainstream and provided with no meaningful educational services.

It was not until the 1970s that scientific and pedagogical advances and the expansion of Civil Rights combined to literally rewrite the very definition of the education of children with disabilities. Building directly on the Supreme Court’s 1954 decision in Brown v. Board of Education of Topeka, Kansas, coalitions of advocacy groups for persons with disabilities turned to the federal courts for recognition and definition of special education rights. They primarily based their claims on the Equal Protection and Due Process Clauses of the U.S. Constitution, same legal mandates that had ended “separate but equal” education based on race.

In 1972, the United States District Court in the District of Columbia heard Mills v. Board of Education of District of Columbia, where several students with disabilities were denied access to any public education because of their disabilities. The Court, relying on Brown and the Due Process Clause, found that children with disabilities were denied Due Process of Law and were entitled to publicly supported education. From that decision, along with the 1971 PARC (Pennsylvania Association of Retarded Citizens) decision in Philadelphia, came the Education of All Handicapped Children Act in 1975, which eventually was retitled the Individuals with Disabilities Education Act.

The IDEA has gone through several reauthorizations, most recently in 2004 when it was renamed the Individuals with Disabilities Education Improvement Act, and changes have been made as society’s knowledge and understanding of students with disabilities has grown. Today, the IDEA (2010) is “to ensure more appropriate and related services designed to meet their unique needs and prepare them for further education, employment and independent living” (p.18). Therefore, students with disabilities, including twice-exceptional students, have the right to an individualized education that meets their unique needs.

How Are Learning Disabilities Identified?

The IDEA has a number of critical terms, such as appropriate and education unification. This has led to decades of court battles between parents and school systems, but the statute does, in fact, provide a definition of learning disabilities. Because so many twice-exceptional students are “GTLD,” or gifted and talented with learning disabilities, and impaired. Many twice-exceptional students have learned learning disability designation if their reading fluency is an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations (IDEA, 2004). One important change in the IDEA 2004 was the recognition that students with otherwise adequate reading skills may qualify for the learning disability designation if their reading fluency is impaired. Many twice-exceptional students have learned the rules of reading but cannot read fluently. As Alexa Posny, acting director of the Office of Special Education Programs, pointed out in her January 2010 letter, including reading fluency in the IDEA 2004 increases the likelihood that students who are gifted will be identified as
having a learning disability.

The 2004 amendments to the IDEA brought a major change in the method for determining whether a child has a specific learning disability, which may be problematic for the identification of twice-exceptional students. Eligibility teams are no longer required to take into consideration whether a child has a severe discrepancy between achieve-
ment and intellectual ability, but may use a process that determines if the child has responded to scientific, research-based
interventions (RTI). 

In order for a child to have a specific learning disability, a local educational agency may use a pro-
cess that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3) (Indi-
viduals with Disabilities Education Improvement Act, 2005, p. 97). 

This change can greatly impact twice-exceptional students since testing and their performance in the classroom can sometimes lead to different conclusions. It is critical not to rely solely on RTI when identifying twice-exceptional students. 

For example, one student who has been identified as gifted may not be performing at that advanced level, while another might have abilities that mask each other. In the former case, while the student may meet the criteria for giftedness, the student is not performing at a level commensurate with their advanced ability. This can make identification difficult. Teachers may then be left to determine if the child is gifted but not performing at an expected level.

Who Are Twice-Exceptional Students?

As previously noted, the identification of twice-exceptional students can be very challenging as the gift and disability may mask each other. Teachers and parents often see an "average" student who demonstrates neither the gift nor the disability, a disabled student who is getting a great deal of remediation but no recognition of disabilities, or a gifted student who seems unmotivated or lazy because he is not performing well. It is crucial that we do comprehensive assessment of both the suspected disability and the gifted student in order to fully understand and program appropriately.

Federal education policy has addressed these basic fac-
tors. In a letter to the Learning Disabilities Association of North Carolina, the U.S. Department of Education offered guidelines for the identification of twice-exceptional stu-
dents, including:

- No child’s IQ can be too high for that child to be con-
sidered eligible for special education services.
- Children can be considered for special education if they are not working at their ability level. To determine this, they must be given the opportunity to work at that abil-
ity level.
- Consideration of special education eligibility must include an analysis of what the child’s performance would be without the help and support of parents and outside providers like tutors and therapists. (T. Hehir, personal communication, April 5, 1995)

Identification of twice-exceptional students requires comprehensive assessment in both the areas of giftedness and disability. Educational services must address both the high achievement potential and the deficits that are revealed through the evaluation process. Twice-exceptional students often require differentiated instruction, accommodations and/or modifications, direct services, acceleration options, and opportunities for talent development. Many twice-exceptional students require an IEP with goals, accommoda-
tions, and strategies that enable them to achieve growth at a level commensurate with their abilities, develop their gifts and talents, and learn compensatory skills and strategies to address their disabilities (Weinfeld et al., 2013). 

The IDEA is now explicit in ensuring that students are provided with a FAPE that meets their unique needs and prepares them for further education, employment and independent living (Individuals with Disabilities Education Improvement Act, 2010). This definition mandates a broad view of education. For example, the United States Court of Appeals for the First Circuit described educational services under the IDEA as targeting, “all of [their] special needs, whether they are academic, physical, emotional, or social” (Lesser v. Portland School District, 1993). 

As its definition speaks to an expanded view of the eligibility criteria for twice-
exceptional students and clarifies that all areas of needs are being met, including social/emotional and behavioral issues that might be adversely impacting education. For a twice-
exceptional student, this could include problems with com-
munication, social skills and pragmatics. This led to difficulty with peers; lack of problem solving, communication, and flex-
ible thinking; as well as depression—all resulting in various
suicide attempts. However, the school system refused to identify him because of her strong academic skills. The Court, considering her lack of communication skills, found that her lack of pragmatics and social deficits impaired her ability to communicate and adversely impacted her educational participation. Moreover, the Court found that the services recommended for the student, such as social pragmatics instruction and speech services, fell within the definition of special education (Mr. and Mrs. I., 2007). 

The First Circuit’s analysis is helpful in understanding how the needs of many twice-exceptional students should be addressed. For example, students at the upper end of the Autism spectrum are often capable of high performance, but due to their Autism have weaknesses in communica-
tion and social interaction. These students might also be at advanced risk for depression. While these areas may not be seen as “academic,” they do fall within the definition of education and must be addressed through special education services.

Under the IDEA, school systems are required to offer a continuum of services and placements to students with disabilities. Under the restrictive placement (RPE) that is appropriate to meet the identified needs (Assistance to States for the Education of Children with Disabilities, 2006). Some students are placed in a general education classroom setting with support through inclusion services, while others receive their academic services in small, self-contained classrooms with a lower student-to-
teacher ratio. The IDEA provides for services as intensive and restrictive as residential schools for those students that require it. However, school systems (and the IDEA itself in recent revisions) are focused more and more toward inclusion services and placement of students with disabil-
ities in the general education environment based on the IDEA’s provisions for mainstreaming, the school must provide students with disabilities with the supports they require to access the curriculum.

If students under the IDEA must be provided with services that meet their “unique needs,” it follows that twice-exceptional students be provided with high level or GT services. If a student is identified as gifted it would be inconsistent with the IDEA to prevent that child from being placed in an advanced math class, if she qualified through performance. To be even more specific, students who have advanced math reasoning abilities should be placed in the advanced math class even if the impact of their learning disability means that their math computation skills require accommodations. Placement in a lower level class would deny the student the right to have his or her “unique needs” met under the IDEA. In addition, such a denial is almost certainly a violation of Section 504 (see discussion of Section 504 Plans below) and Title II of American with Disabilities Act. These laws prohibit discrimination on the basis of disability, and spe-
cifically prohibit a denial of services to individuals with a disability the opportunity to participate in or benefit from programs. They also ensure that individuals with disabilities are provided opportunities to participate in such programs in a manner that is equal to that offered to individuals without disabilities (Nondiscrimination on the Basis of Disability in State and Local Government Services, 2011; Nondiscrimination on the Basis of Handi-
cap in Program or Activities Receiving Federal Financial Assistance, 2000).

The guidance that the Supreme Court provided 35 years ago for implementation of Section 504 of the Rehabilitation Act of 1973 remains appropriate today for inclusion of twice-exceptional students in higher level courses (Vocational Rehabilitation and Other Rehabilita-
tion Services, 2002). In Southeastern Comm. College v. Davis (1979), the Court found that the mere possession of a disability was not a permissible reason for assuming that a student could not function in a particular educa-
tional program, and that there existed an affirmative duty to modify programs and curricula as necessary to support the needs of students in order for them to effectively partic-
icipate in the program. However, the Court also found that the modifications and supports had to be reasonable and not fundamentally lower the educational standards or academic rigor of the particular program.

Clearly, the Davis holding has particular significance in considering the educational needs of twice-exceptional students. Under both the IDEA and Section 504, school
systems have that same affirmative obligation to modify and support higher-level general education courses for the twice-exceptional. However, modifications and supports need to be reasonable. If it is determined that the modifications impact the general education class to a degree where—by the integrity of the content or delivery of instruction—is significantly compromised, then the twice-exceptional student may not be appropriate for the higher level general education setting.

The Supreme Court accurately observed in Davis, the line between a lawful refusal to modify or accommodate and discrimination based on disability is not always clear. Certainly, as twice-exceptional students continue to be recognized and programmed for, setting such lines will occupy more deliberative time of IEP teams, due process hearings and court.

Sections of the law requiring that individuals with disabilities are provided with the opportunity to participate in programs equal to individuals with disabilities are similarly important in ensuring that twice-exceptional students are provided with IEPs that meet their needs. Once a student is placed in an advanced class, the school system must provide the supports necessary for the same education available. Rather, education that is offered must be sufficient to confer some educational benefit upon the handicapped child” or a “basic floor of opportunity.” (Board of Educ. of Hendrick Hudson Central School Dist., Westchester County v. Rowley, 1982). The Court defined the “basic floor” as anything from accommodations, such as system must provide the supports necessary for the same level standards. Historically, school systems often have maintained that meeting grade-level standards satisfies the Rowley requirement (Johnson, 2003). In many instances, they thereby have failed to consider a student’s specific cognitive ability in view of grade-level performance. Recently, courts have “raised the floor” set by the Supreme Court and better defined the standard applicable to evaluating educational progress (Zirkel, 1983).

The new standards are particularly helpful in addressing the needs of twice-exceptional students because they focus on providing a student-by-student analysis that focuses on each individual’s abilities. Some federal courts have been quite explicit in making this clear. As early as 1988, the United States Court of Appeals for the Third Circuit held that the IDEA, “calls for more than a trivial educational benefit” and requires that a student’s IEP provide significant learning” and “meaningful benefit” (Posl v. Central Research and Advocacy). Ten years later, the same Circuit reversed the concept, finding that, “when students display considerable intellectual potential, IDEA requires a great deal more than a negligible benefit” (Ridgewood Board of Ed., N.E. 1999). Relying on Rowley, the Third Circuit adopted an approach that requires a court to consider the potential of the particular student with disabilities before it. Although the Court’s analysis is of course applicable to all children with disabilities, it has particular significance for twice-exceptional students. In fact, Ridgewood specifically found that a lower court had violated the IDEA by failing to analyze the type and amount of learning a twice-exceptional student was capable of achieving.

The next year, the United States District Court for the Southern District of Indiana applied Ridgewood’s decision to Nein v. Greater Clark County School Corporation (2000). The Court focused on the language of the IDEA and the statement made by Congress that an IEP should meet a child’s unique needs and that services must be personalized. In an analysis particularly useful to an understanding of twice-exceptional children, Nein looked at a student’s IEP in terms of the child’s capacity to learn. Clearly, if a student’s high cognitive ability and “capacity to learn” must be provided for in the IEP, the school system has a better defined responsibility to address the individualized needs of twice-exceptional students.

One promising part of the IDEA 2004 update is that twice-exceptional students were included in the groups of students whose needs have priority in U.S. Department of Education grants to guide research, personnel preparation, and technical assistance. This is the first time that the IDEA specifically acknowledges the needs of twice-exceptional children, potentially opening the door to more attention and more services for them. States, local school districts, and universities are now eligible to receive federal money to study and promote promising practices for these students. Unfortunately, there has been little real funding of research in this area, to date.

If the ADA of 1978, Stephanie Monroe, Assistant Secretary for Civil Rights in the USDOE, wrote a “Dear Colleague Letter: Access by Students with Disabilities.” She discussed the fact that some schools and school districts had refused to provide educational services to students with disabilities to participate in challenging academic programs, such as Advanced Placement and International Baccalaureate (Monroe, 2007). She also noted that other schools and school districts had refused to give IEP and 504 services that had been designed to meet their individual needs, as a condition of participation in challenging academic programs (Monroe, 2007). She emphasized that denying a student the opportunity to participate in an accelerated program based on his disability is a violation of federal law. In addition, she made it clear that students with disabilities must be provided appropriate accommodations and services while participating in these accelerated programs (Monroe, 2007).

What Role Might Section 504 Play for Twice-Exceptional Students?

Twice-exceptional students may also be eligible for services under Section of the Rehabilitation Act of 1973 (Vocational Rehabilitation and Other Rehabilitation Services, 2002) but current definitions of disabilities under Section 504 could include specialized education and related services, in practice it does not typically provide the direct special education that comes with an IEP, but rather, solely, general education accommodations.

The Office for Civil Rights (OCR) of the U.S. Department of Education has emphasized the importance of Section 504 for students with disabilities by instructing “In Decrees of 504, . . . are to have any meaning for a qualified handicapped person of superior intelligence, the student must be entitled to implementation of a Section 504 Accommodation Plan which allows him to receive educational services reasonably commensurate with his ability . . . even if a child is receiving A or B grades in classes, but is having difficulty paying attention in class, with behavior at school, or at home with home work, the child may still be eligible for accommodations. The deciding factor will be to what extent the AD/HD impacts the student’s ability to learn or behave in class.” (Durheim, 2012, p. 12). Because many twice-exceptional students may be bright enough to earn a high grade in a class even though their disability impacts their attention and/or behavior in that class, this guidance from the Department of Education is particularly helpful.

Conclusion

It is important to keep in mind that experts have estimated that as many as 2%-5% of all students are likely to fit the classification of twice-exceptional (Dix & Schafer, 1996; Whitmore, 1981). These figures were substantiated in Montgomery County, MD, where 2% of all students have been identified as twice-exceptional and gifted and talented (Weinfeld et al., 2013). “Without appropriate identification and services, the gifts of these students may never be developed” (NAGC, 1998, para. 6). It is becoming more evident, and more generally accepted, that students with disabilities, have been underserved by educational systems and resources. As the IDEA moves to embrace language such as, “to ensure programs and services that receive federal funding. It applies not only to services during the school day, but also to services outside of the school day such as a publicly funded homework club, sports activity, or drama club. In order to qualify for or be eligible for a 504 Plan, a disabling condition must be identified which significantly impacts one or more major life activities. That disabling condition does not need to be defined as one of the IDEA disability categories. In qualifying for a 504 Plan, the questions are whether the student has a disabling condition and whether it substantially limits the student. In contrast, the questions in an IDEA determination are whether there is a disability, whether there is an educational impact to the disability, and whether the student thereby requires special education services. IEPs deal with special education until the end of high school or the age of 21, whichever comes first. 504 Plans can still be appropriate in postsecondary education and in the workplace.
that all children with disabilities have available to them a [FAPE] that emphasizes special education and related services designed to provide a safe, supportive environment that is conducive to learning and that helps to prepare them for future education," and as the U.S. Department of Education advises that no child’s IQ can be too high for that child to be found eligible under the IDEA, twice-exceptional students should find the path to special education easier to travel. This should surprise no one since the IDEA came into existence as a result of the denial of appropriate educational opportunities to all disabled children. As courts are recognizing, twice-exceptional children have disabilities and must be served just like their peers.

It is also very important to keep in mind that education under the IDEA is broadly defined. It certainly is not bound by grade-level reading, writing, and mathematics. The Supreme Court recognized that reality in its first interpretation of the statute in Rowley when it observed that appropriate education necessarily means different things to different students. Rowley, however, did not involve a twice-exceptional child, so the holding is only helpful by itself.

But courts and hearing officers have since made it clear that appropriate education concerns social skills, study skills, fluency, pragmatic language, issues of self concept, executive function, and attention, at least to the extent that they relate to the obtaining of educational benefit. The cases concerning twice-exceptional students frequently deal with these since, under the IDEA, students must be served individually to meet their unique needs and that student’s progression toward further education, or whether it denotes learning to work with others in the classroom and with the needs and preparations for the provision of appropriate special education to twice-exceptional students will continue to grow as a meaningful and valuable part of the American educational environment.

References


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