

# Arizona Revised Statutes

The Arizona Revised Statutes have been updated with the 47th Legislature, 2nd Regular Session information, and contain the version of the statutes effective January 1, 2007.

## Title 15 - Education

### Chapter 7 INSTRUCTION

#### Article 4.1 Gifted Education for Gifted Children

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#### 15-779. Definitions

In this article, unless the context otherwise requires:

1. "Gifted education" means appropriate academic course offerings and services that are required to provide an educational program that is an integral part of the regular school day and that is commensurate with the academic abilities and potential of a gifted pupil.
2. "Gifted pupil" means a child who is of lawful school age, who due to superior intellect or advanced learning ability, or both, is not afforded an opportunity for otherwise attainable progress and development in regular classroom instruction and who needs appropriate gifted education services, to achieve at levels commensurate with the child's intellect and ability.

#### 15-779.01. Powers and duties of the school district governing board

A. Because it is in the public interest to support unique opportunities for high-achieving and underachieving pupils who are identified as gifted, the governing board of each school district shall provide gifted education to gifted pupils identified as provided in this article.

B. The governing board shall modify the course of study and adapt teaching methods, materials and techniques to provide educationally for those pupils who are gifted and possess superior intellect or advanced learning ability, or both, but may have an educational disadvantage resulting from a disability or a difficulty in writing, speaking or understanding the English language due to an environmental background in which a language other than English is primarily or exclusively spoken. Identification of gifted pupils as provided in this subsection shall be based on tests or subtests that are demonstrated to be effective with special populations including those with a disability or difficulty with the English language.

C. If a pupil who was previously identified as a gifted pupil by a school district or charter school transfers into another school district, the school district into which the pupil transferred shall determine in a timely manner whether the pupil shall be identified as a gifted pupil in that school district. The school district into which the pupil transferred shall provide gifted education to transfer pupils who are identified as gifted without unreasonable delay.

15-779.02. Gifted pupils; scope and sequence; annual financial report

A. The governing board of each school district shall develop a scope and sequence for the identification process of and curriculum modifications for gifted pupils to ensure that gifted pupils receive gifted education commensurate with their academic abilities and potentials. Programs and services for gifted pupils shall be provided as an integrated, differentiated learning experience during the regular school day. The scope and the sequence shall:

1. Provide for routine screening for gifted pupils using one or more tests adopted by the state board as prescribed in section 15-203, subsection A, paragraph 15 and section 15-779.01. School districts may identify any number of pupils as gifted but shall identify as gifted at least those pupils who score at or above the ninety-seventh percentile, based on national norms, on a test adopted by the state board of education.

2. Include an explanation of how gifted education for gifted pupils differs from regular education in such areas as:

- (a) Content, including a broad based interdisciplinary curriculum.
- (b) Process, including higher level thinking skills.
- (c) Product, including variety and complexity.
- (d) Learning environment, including flexibility.

3. Include criteria, which shall be reviewed by the state board of education and the department of education at least once every four years, that address the elements of program design, identification, curriculum, instruction, social development, emotional development, professional development of administrators, teachers, school psychologists and counselors, parent involvement, community involvement, program assessment and budgeting. The budget information shall include separate data on identification and program costs and any other data required by the superintendent of public instruction to administer and evaluate the program effectively.

B. The governing board shall submit the scope and the sequence to the department of education for approval on or before July 1 if any changes were made during the previous fiscal year. The governing board shall submit the scope and the sequence to the department of education for approval on or before July 1 every five years if no changes were made during the previous five years. All school districts shall provide to gifted pupils gifted education commensurate with their academic abilities and potentials.

C. If the governing board fails to submit the scope and sequence for gifted pupils as prescribed in subsection B of this section or if the scope and sequence submitted by the governing board fails to receive full approval by the superintendent of public instruction, the school district is not eligible to receive state aid for the group A weight for seven per cent of the student count and shall compute the weighted student count for pupils in group A as provided in section 15-943 by adjustment of the student count accordingly. On or before December 1 of each year, the department of education shall notify those school districts that appear to be in noncompliance and note the specific areas of deficiencies that must be corrected on or before April 1 of the following year to be eligible to use the actual student count rather than an adjusted student count. On or before April 15 of each year, the department shall notify those districts that must use an adjusted student count for the next fiscal year's state aid as provided in chapter 9 of this title.

D. The annual financial report of a school district as prescribed in section 15-904 shall include the amount of monies spent on programs for gifted pupils and the number of pupils enrolled in programs or receiving services by grade level.

### 15-779.03. Additional assistance for gifted programs

A. School districts that comply with section 15-779.01 and that submit evidence that all district teachers who have primary responsibility for teaching gifted pupils have obtained or are working toward obtaining the appropriate certification endorsement as required by the state board of education may apply to the department of education for additional funding for gifted programs equal to seventy-five dollars per pupil for four per cent of the district's student count, or two thousand dollars, whichever is more. As an alternate to the individual district application process, a governing board may request that a county school superintendent apply on its behalf as part of an educational consortium. The consortium may include school districts in more than one county. If additional monies are available after funding all eligible school districts or educational consortia, the additional monies shall be used to increase the per pupil amount for each district or educational consortium funded. If sufficient monies are not available to meet all requests, the state board of education shall determine the allocation of monies based on the comprehensiveness across grade levels, appropriateness to the population being served, utility and demonstrated effectiveness of the scope and sequence and the likelihood of the school district's or educational consortium's proposed program successfully meeting the needs of the gifted pupils. A school district shall include the monies it receives for gifted programs and services under this section in the special projects section of the budget.

B. School districts shall conduct evaluation studies of their programs for the gifted and submit information to the department of education regarding the results of their studies. The department shall develop evaluation guidelines, reporting forms, procedures and timelines.

C. Monies distributed pursuant to this section shall supplement and not supplant monies from other sources.

### 15-779.04. Powers and duties of the superintendent of public instruction

The superintendent of public instruction shall:

1. Apportion monies to each school district for which an application to offer programs for gifted pupils has been approved by the department of education pursuant to rules adopted by the state board of education.
2. On request, assist school district governing boards to design, implement and evaluate programs for gifted pupils.
3. Ensure that the expenditure of monies authorized for programs for gifted pupils is consistent with this article.
4. Encourage the development of locally designed, innovative programs for gifted pupils.
5. Assist school districts in the development and implementation of staff development programs for administrators, teachers and counselors related to gifted pupils.
6. Encourage the development of procedures that assure the ongoing participation of parents of gifted pupils in the planning and evaluation of gifted education programs and services.

**TITLE 7. EDUCATION**  
**CHAPTER 2. STATE BOARD OF EDUCATION**  
**Supp. 06-1**

Authority: A.R.S. § 15-201 et seq.

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

**R7-2-406. Gifted Education Programs and Services**

A. Governing boards shall adopt policies for the education of gifted students which shall include:

1. Procedures for identification and placement of students to be placed in gifted programs.
  - a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
  - b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
  - c. LEAs shall place transfer students as soon as they have verified eligibility.
2. Curriculum, differentiated instruction, and supplemental services for gifted students.
  - a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
  - b. Differentiated instruction, which emphasizes the development of higher order thinking, may include critical thinking, creative thinking, and problem solving skills.
  - c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
3. Parent involvement.
  - a. Each LEA shall provide the following information to all parents or legal guardians:
    - i. Definition of a gifted child;
    - ii. Services mandated for gifted students by the state of Arizona;
    - iii. Services available from the LEA;
    - iv. Written criteria of the LEA for referral, screening, selection and placement.
  - b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
    - i. Given the opportunity to have their children tested;
    - ii. Given advance notice of the week that their children are to be tested;
    - iii. Given the opportunity to withhold permission for testing;
  - c. Each LEA shall:
    - i. Make testing available for students K-12 on a periodic basis but not less than three times per year;
    - ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
    - iii. Upon request, explain test results to parents or legal guardians.
4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
  - a. Statement of purpose;
  - b. General population description;
  - c. Identification process and placement criteria including provisions for special populations;
  - d. Goals and objectives;
  - e. Curriculum, differentiated instruction, and supplemental services;
  - f. Program models;
  - g. Time allocations for services;
  - h. Procedures and criteria for evaluation of student and program outcomes.

B. The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

**Historical Note**

Adopted effective December 12, 1990 (Supp. 90-4)