

# FACT SHEET



## Gifted

### Evaluation for Special Education

The Individuals with Disabilities Education Act (IDEA), in 2004, includes important procedures which schools must use when evaluating eligibility for special education services. An initial evaluation involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information to assist in determining if the child is eligible for special education. A two-pronged test for eligibility is used in making the determination: (1) whether the child is a child with an exceptionality (disability or giftedness) as defined in federal and state laws and regulations; and (2) by reason thereof, has a need for special education and related services. Having information, assessments, or diagnosis from sources external to the school is helpful but is not sufficient to determine eligibility for special education under IDEA.

A child must NOT be determined to be

a child with an exceptionality if: (a) the determinant factor is: lack of appropriate instruction in reading, including the essential components of reading instruction (defined in the Elementary and Secondary Education Act as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies); lack of appropriate instruction in math; or Limited English proficiency; and (b) the child does not otherwise meet the eligibility criteria as a child with an exceptionality.

### Gifted

Gifted means performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience and environment. To be identified as gifted the student must be at least 5 years old (the age at which educational services to children without disabilities are provided) and not have graduated from high school (KAR 91-40-1(bb), KAR 91-40-1(ddd)(1)).



A child may be found eligible as having both giftedness as defined by KAR 91-40-1 and as having a disability area under IDEA. The child must meet the eligibility criteria for both the disability and giftedness. If a child is identified for both gifted and a disability, the disability should be entered as the primary exceptionality in the MIS system. Children who are identified as both a child with a disability and gifted may receive any related services for which there is a documented need.

Children identified only as gifted may receive only the related services of counseling services, parent counseling, school psychological services, school social work services, and transportation. Even if the child shows a weakness in an area (such as written language), the child cannot be provided with a related service to address the weakness unless the child meets the eligibility criteria for a disability under IDEA.

## More Information and Resources

[KSDE Kansas Special Education Process Handbook](#)

[KSDE Kansas Eligibility Indicators](#)

[Kansas Association for the Gifted, Talented, and Creative](#)

[National Association for Gifted Children](#)

For more information, contact:

Special Education and Title Services Team  
1-(800) 203-9462 (Kansas Residents Only)  
(785) 296-7454  
specialeducation@ksde.org



Kansas State Department of Education  
900 S.W. Jackson Street, Suite 102  
Topeka, Kansas 66612-1212  
(785) 296-3201  
www.ksde.org

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