



FOR IMMEDIATE RELEASE

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CEC Statement on Illinois School District Gifted Education Segregation Court Case
Schools must be inclusive settings that support success of ALL students

**The following is a statement by Deborah Zeigler, Associate Executive Director,
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The recently decided court case, *McFadden v. Board of Education for Illinois School District U-46*, presents an opportunity for educators, families and policymakers alike to closely examine equitable educational opportunities for high-ability African American and Hispanic students across the nation.

Through its ruling, the court affirmed that in creating a separate gifted education program for Hispanic students only, the Illinois school district violated the United States and Illinois Constitutions' Equal Protection Clauses, as well as the Illinois Civil Rights Act. Instead of creating a single gifted education program for elementary school students that provided language support when needed, the District created a separate gifted program for Hispanic students, most of whom were proficient in English.

As the Judge noted in his ruling, establishing a separate gifted education program based on ethnicity and/or race perpetuates the very myths that our nation's civil rights laws were created to prevent. Our schools must be inclusive settings that promote tolerance and reinforce high expectations while emphasizing educational excellence for all students.

Tragically, this case represents an extreme example of poor practice but it also raises the critically important issue of the under enrollment and limited opportunities students who are African American, Hispanic or low income have in receiving gifted education services. For too long, we have ignored - whether it is through policy or practice - the needs of high-ability students from minority or low income backgrounds.

National data reveals that low income and minority students have less access to advanced classes and fewer gifted education offerings. It should come as no surprise then, that these student groups perform worse on the **National Assessment for Educational Progress (NAEP)** and state assessments than their more advantaged peers,

a phenomenon known as the “excellence gap.” Yet, little systematic change has sought to right this ship.

For years, CEC has been working with a bi-partisan group of legislators in the U.S. Senate and U.S. House of Representatives to rewrite the nation’s education laws with a greater emphasis on the needs of high-ability minority or low income students through the introduction of the **TALENT Act** (S.512/H.R. 2338).

The **TALENT Act** is the only federal proposal to support high ability students in Title I schools; provide educators with training to better identify and serve high-ability students; and continue critical research in evidence-based practices in gifted education.

Under the leadership of **Senator Charles Grassley** (R-Iowa), **Senator Tom Harkin** (D-Iowa), **Senator Robert Casey** (D-Pa.) and **Senator Barbara Mikulski** (D-Md.), the **Success for All Students Act** – a reauthorization of the Senate version of the Elementary and Secondary Education Act – included key provisions of the TALENT Act which, if enacted, would be a significant step toward recognizing high-ability students from low income or minority backgrounds.

Our country can no longer afford to ignore the facts and continue to squander our talent. CEC members will continue to advocate on behalf of all children and youth with exceptionalities to ensure that all students receive a challenging education.

[Read the judge’s ruling on McFadden v. Board of Education for Illinois School District U-46here.](#)

[Visit CEC’s Gifted webpage for more underrepresentation information and resources.](#)

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The Council for Exceptional Children is an international community of professionals who are the voice and vision of special and gifted education. CEC’s mission is to improve, through excellence and advocacy, the education and quality of life for children and youth with exceptionalities and to enhance engagement of their families.

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