DEFINITIONS SCIENTIFIC

Art Work: "The Supreme Project of Human Intelligence : To Construct True Peace, Fruit of Justice"

HIGH CAPACITY

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SCIENTIFIC DEFINITIONS HIGH CAPACITY.

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HUMAN INTELLIGENCE.

All the previous attempts to define giftedness, talent, intellectual precocity, etc., have always been hampered by the lack of a prior definition of human intelligence. They also have found difficulties in the necessary conjunction, harmonization and consensus between authors of scientific approaches and partial contributions. In each culture there is an idea of human intelligence, and of what the human being is. As Prof. Marina says, the idea that we have of what is human intelligence is going to determine the idea that we have of we ourselves, and this idea determines what we really are.

A definition of human intelligence of wide acceptance is: "Intelligence is the ability to receive information, elaborate on it and produce effective answers". But this definition does not distinguish human intelligence from animal or from artificial intelligence.

Definitions of human intelligence as “the ability to adapt the environment” are not “satisfactory” either. For an ape, his level of animal intelligence may be sufficient to adapt perfectly well to his peer group and his environment. Even to feel happy.

Allen Newel, in his book "*Unified Theories of Cognition*", recognized unanimously by the international scientific community, considers intelligence as "the ability to connect two independent systems: that of the knowledge and that of the aims". Certainly, this definition means an important advance, because the human being, in the solving of problems, interacts his knowledge with the goals that constitute the solution to the problem. But this definition forgets that human intelligence is able to collect and to create new information, to propose and to promulgate other aims or goals, to invent new possibilities, to recognize and to judge its own intellectual products, to create its own self.

The psychometric theory of intelligence has not even been able to define the intelligence that it tried to measure. When Binet, promoter of the first test of intelligence, was asked: What is intelligence? He used to answer: "It is what my test measures!". In the end of the psychometric experience, we ask ourselves: Why are there so many differences between the psychometric tests results and those of life?

After one hundred years of scientific research, human intelligence and its phenomena have begun to be understood thanks to representation of cognitive processes. It is a qualitative jump that allows us to pass from the mere measurement of what could not even be defined to the understanding of the processes and the phenomena connected with human intelligence, and consequently, to the possibility of an approach to the methods of diagnosis, and the criteria of education, oriented towards happiness. Cognitive Science has evolved, but it must continue evolving much more. It cannot consider that being reduced to the scope of human intelligence is an impoverishment. Cognitive Science has centered its study on "all the beings who know", "that compute information", "that use representations". (Pylshyn, Z.W.: "Computation and knowledge").

Cognitive Science is based, according to D. Michele: "On Machina Intelligence", in the "systematic theory of the intellectual processes wherever they have been found", starting from the approach expressed by Newel and Simon in "Human Problem Solving" (Englewood Cliffs, Prentice may), according to which, at an abstract level, the human being and the computer are devices of the same type.

Human intelligence reaches planes that animal intelligence or artificial intelligence will never be able to reach. Paraphrasing Prof. Marina, we will say that human intelligence is the complete transfiguration of computational intelligence. Human intelligence, in its definition, can be based in the definition of computational intelligence, but man begins creating it and ends up organizing it, controlling it, directing it and transforming it. Because, the human being has feelings, sensations, and emotions, in constant interaction with the cognitive system: dreams and loss of interest, distresses and pleasure. Also, intellectual pleasure, the ability to recognize itself, and to manage its own limitations, to create new problems, to intuit or to invent new capacities and possibilities. Ability to transfigure itself in freedom by means of will: to determine itself. For that reason, we conclude by agreeing with Prof. Marina that "human intelligence is computational intelligence that is self-determined".

- In 1981, when **Howard Gardner** published his famous *Theory of Multiple Intelligences* in his work S*tructures of Mind*, he defined the nature of human intelligence in its multidimensionality as: ***"biopsychological potential for information processing"***, situating it, -with its capacities and talents- in the scientific field of a bio-psycho-social nature.

- **Robert Sternberg** Robert Sternberg highlights in the nature of intelligence its three distinct ABC dimensions: *"The" A "dimension formed by the innate potential or* ***neurobiological intelligence****, pure intelligence or" not contaminated "by any external, temperamental, motivational or cultural factor, distinguishing it from dimension "B" or practical intelligence and dimension "C" or psychometric intelligence".*

- **François Gagné** notes: *"Research has shown that the four causal components of intelligence and intrapersonal catalysts have significant biological bases."*

- **David Yun Dai** (University of Albany, State of New York), points out: "Intellectual capacity develops in a covariation between the **genetic**, the contextual influences and the individual intellectual characteristics, motivation and social maturity that explain its crystallization". And, he adds: "The advances in its understanding as a differential manifestation of human intelligence are the result of intense research in it during the last 100 years and, especially, of the progressive abandonment of the traditional paradigm (monolithic and focused on the intellectual quotient) to favor of a new emerging **interdisciplinary, multidimensional and neuropsychological** paradigm that has changed the focus of interest from who is the person with high capacity to **how their mind works** ".

- Sylvia Sastre, Professor of Developmental Psychology and Education, University of La Rioja, "It is a **process of ontogenetic transformation, of biogenetic origin and foundation and neurobiological substrate, in interaction of the neurobiological, the neuropsychological and the epigenetic.**

- **Miguel Angel Verdugo,** Professor of Psychology at the University of Salamanca, by way of practical application he points out: - "The results of intelligence tests constitute **only one part** of the entire intelligence evaluation process. If consistency is not observed, the validity of the measurements obtained through the tests should be questioned. and using clinical judgment to determine whether or not a given IQ score is valid. The assessment of adaptation skills should be approached from more **clinical rather than psychometric perspectives, and clinical judgment should be obtained** based on the convergent validity or consistency of the information obtained through different sources and situations. These changes are intended to develop a **much more accurate and effective diagnostic and planning decision-making** for the support program. From biological approaches, we moved to psychometric and psychopathological models. A **multidimensional and interdisciplinary functional model is now widely accepted**".

In Short Human intelligence is a complex system, made up of multiple factors: neurobiological, neuropsychological and socio-pedagogical, in a complex and constant interrelation combined of multifactorial and circular causalities, in which the different factors mutually influence each other, giving rise to each specific situation, in a permanent process of ontogenetic transformation, of origin and biogenetic foundation and neurobiological substrate.

Its nature is ontogenetic: neurobiological, neuropsychological and epigenetic or socio-pedagogical, in permanent interaction: multidimensional and bio-psycho-social.

We also agree with Marina on the need to create a "*Science of Human Intelligence*", which should discuss not only formal logic, but also of creative logic; not only means, but also aims. Not only reason, but also emotions and feelings, and their permanent interaction. Because human intelligence needs, and is able, to create the "*Science of Human Intelligence*". If not, it would not be human intelligence.

The development of the brain is not linear but there are key moments in the development of specific mental abilities. The early interactions determine how "it is wired" and how "the brain is interconnected", taking into account the emotional system and its permanent interaction with the cognitive system, the emotions as being crucial for learning, for generating patterns and for molding the brain[42].

An adequate education, from its early beginning, constitutes the brain architecture, creates new synapses, increases the number of neuronal connections, their quality and functional abilities, the axons' growth, the necessary dendritic branches increase. Human intelligence is can be taught: teachable, and conceivable. This is education's great responsibility.

The development of the brain in highly talented children – as has been demonstrated scientifically- is different, as is the reeducation.

In the considerations of high capabilities of human intelligence phenomena, discussed below, we do not mention aspects like creativity or memory, because starting from the definition of human intelligence like "self-determining computational intelligence", human intelligence is creative intelligence in its own nature, as it is creative memory.

In this approach we can say that human intelligence is an emergent reality, able to develop itself, until surpassing the dailydeterminisms.[40].

It is the ability to not only know what things are but also to intuit and discover what they can be. It is the ability to assimilate inputs giving them meaning. It is creating perceptive possibilities. It is to know how to think but it is also the freedom and the value of thinking, and the will to continue thinking. It is the ability to know, to recognize and to address our mental activity to fit it to reality and, if we want, to overflow it. It is, the ability to address the mental activities, and through them, the behaviors.

It is the ability to create itself, to constitute an intelligent self, to recognize itself, to ask itself and to rectify itself in this creation, to activate the self-correction of the possible processes of heterochronic maturation. It is the developmental ability of the metacognitive processes. These imply, will, freedom, and ethics, as the science of human aims. And it is to create human dignity as its supreme project that, in the social dimension of the human being, is to create the true social peace, fruit of justice. Because the existence of human intelligence in the cosmos answers an aim.

This conceptual base - which needs to be developed - will allow us to understand, determine and create our own personal and social reality. To know and to understand high talent as the highest expression of human intelligence. Carl G. Jung said in 1947: "the exceptionally gifted children are the most beautiful fruit of the human tree", and added: "at the same time they are those that are in greater danger, because they hang off its more fragile branches which frequently break". Through scientific understanding we will be able to make possible their right, the same as everyone else, to happiness and having a worthy life.

There is still a way to go, since that initial concept to the current monolithic intelligence multidimensional paradigm and reach their full development. We must recognize and address its supreme incarnation in "the most beautiful tree of humanity" in the words of the disciple of Freud, Carl Young: Girls and gifted children, to get longer "break", and for its high capacity can be developed in order to your happiness and benefit society as a whole. In short to build true peace.

***Cover Art:** "The supreme project of human intelligence: To construct true peace, fruit of justice". Under the light of intelligence, from an open book that symbolizes an opened constitution, held by people, not by a mass, the three pillars arise independent: Legislative, Judicial and Executive powers. In the dawn of a new day and in the placidness of a sea that is illuminated, dreams and hope in the future are symbolized. It is then, when the balance of the scales of justice goes to drink the true peace in form of stylized doves. But, in the dark left bottom corner, where the light of intelligence does not reach, and under dense clouds, two witches: the ignorance and the arrogance continue interacting, weaving their networks: The meanness and maliciousness.*

GIFTEDNESS.

«The Giftedness and High Capabilities from the non-reductionist and scientific perspective constitutes a process of ontogenetic transformation,[2] of origin and biogenetic foundation and neurobiological substrate. Its nature and configuration is neuropsychological, neurobiological and epigenetic; therefore, it is a process whose identification requires a biopsychosocial diagnosis. Its main interest lies in knowing and developing, in each person, the[2] qualitative intellectual differences, its cognitive and metacognitive differential functioning[2], which determines the different educational process that it needs in the mandatory Inclusive or personalized Education.

These people[2] have differential functioning in task solving, executive functioning and learning.[2] They think, understand, and know in a[2] different quantitative way, but, above all, qualitatively with respect to typical learners.[2] They have a different brain, process information differently, store information differently, and most importantly, retrieve information differently[69].

Giftedness is a cognitive, emotional, and motivational phenomenon, stable and global multidimensional of the human person characterized and defined by a basic fact: differences in the high intellectual ability of a subject, not only at a quantitative level, but mainly in the way it works imply a very important qualitative difference.

It is not a matter of a one-dimensional attribute but implies the conjunction of different factors qualitatively equal, and for this reason it has to be conceptualized as a complex profile more than as a psychometric index only. A profile in which each and every intellectual resource presents a high level, joined with rich and complex structures and functional arrangements of the cognitive abilities in a combined action and connectivity.

Giftedness is a construct formed by a wide core of variables which work together (coalescence) and give exceptionality as a result[3]. These relevant variables are: general concept of self, the general situation inside the group, school self-concept, learning style and motivation. Giftedness is the maximum expression of the human intelligence, and it is characterized by a symptomatic constellation. It is essentially the result of interaction between human variability and environmental circumstances which favor the precocious appearance of abilities in the neurological maturation process. This neurological maturation process takes place during a time in life in which learning -suitably stimulated, is especially sensitive (imprinting), depending on neuroglia circuits previously established (genetic) and others relatively certain and learning capable - (epigenetic). This maturation process is completed by the development of neuroglia circuits under a heterochronic genesis system. Different abilities are combined[7].

Giftedness is in the confluence of cognition (intelligence and imagination) with emotional factors (affection, sensitivity, empathy, and endeavor: interest and motivation) and in order to achieve productivity levels its interaction is required. Giftedness is not performance, it is potential that has to be understood as ability and potential to reach higher performance if ways are provided oriented to a proper development. Giftedness and High Abilities New Paradigm implies the knowledge of the permanent interaction between the emotional processes and the cognitive system, the diagnostic guidelines specific to these people, which are quite different from the general guidelines, currently the DSM, as well as their different development and differences in the brain's morphologic configuration. The Giftedness and High Abilities New Paradigm considers relevant the fact that gifted persons constitute the major human capital that a society has if their gifts and talents are properly educated».

The asynchronous character syndrome.

«Giftedness characteristics are described in Robinson-Olszewiski-Kubilius' Table, 1996, being the first of them: " Neuropsychological asynchronous (enharmonic) maturity process"[6].

Asynchronous Character Syndrome is a concept that refers to the lack of coordination that can appear among different development levels, such as the intellectual and emotional ones[5], as a consequence of gifted person's specific heterogeneous development[12]. Heterophony is not a simple sample of different speeds: it is a system, a structure that finds it origin in a certain neurophysiological maturity factor genetically determined[13].

Among the consequences of this phenomenon are problems of identification of gifted persons, as well as their learning level[14], since the clinical experience demonstrates the artificiality of separating the affective condition and the cognitive functions, since the disturbances in one of these fields end up having effects in the other[15].

In childhood and adolescence the internal imbalance is often fueled by the external or social imbalance, and especially with the Scholastic Asynchronous Character Syndrome produced by the imposition of just a unique educational response opposite to the pupils' diversity, causing an emotional imbalance in gifted persons[16], source of conflicts and even pathologies[17].

The gifted ones' internal and social imbalance can be a source of problems. It may provoke the appearance of more pathologic behaviors[15] even as serious as a psycho affective schizophrenia[7].

Asynchronous Character Syndrome is a common phenomenon in all the cases of intellectual precociousness. Now we are speaking about possible pathologies that will have to be treated by a specialized professional[5]. On the other hand, if the school was really adaptive, gifted children would not have any scholastic problem[18].

The clinical diagnosis of gifted people will have to include, in all the cases, the Asynchronous Character Syndrome Differential Diagnosis[10] as well as other related pathologies[6], such as the Identity Diffusion Syndrome[38].

Stimulation of self correcting routes constitutes the epigenetic action level that makes possible the harmonization of the asynchronous behaviors with the global ones. [6] The correct approach to the Asynchronous Character Syndrome needs two combined actions: on one hand the ambulatory treatment in a specializing center, and on the other one, the suitable approaches in the Curricular Adaptation, incorporating the paces, and especially, the specific gifted persons' learning styles, fitted to every case[19] in a way that the Clinical Diagnosis determines[1] .

*The cases, in which the effects of the Asynchronous Character Syndrome are more observed are, in this order: precocious pupils, academic talents, logical talents and gifted [5]»***.**

The Integrated Clinical Diagnosis (Or "Multidisciplinary Assessment" in the UN name).

«The identification and diagnosis of each and every of the pupils constitutes the first step in the educational system[12]. Intellectual exceptionality is not easy to identify, and giftedness is even less so[5]. Giftedness diagnosis will have to base on clinical analysis of its characteristics and with the identification the Clinical Diagnosis will be provided[6]. The multidimensionality of human intelligence requires bio-psychosocial diagnosis by means of the ICF approved by the WHO (Resolution WHA54.21 of 22/5/2001): a multidisciplinary team of legally qualified and registered professionals.

The identification must be diagnostic by nature, considering values and aptitudes, as well as problems, weaknesses and emotional and cognitive needs[20]. If standardized measures do not turn out to be relevant it is necessary to resort to clinical judgment[21].

"Detection" and "psych pedagogic evaluation" are previous approximations that facilitate the Clinical Diagnosis, but, in any case, only the Clinical Diagnosis carried out by a specialized team of professionals, with the appropriate qualifications, will be able to determine in every Moment if a child is situated, or will possibly be situated, within the bounds of intellectual exceptionality[22]. ***Only from the Clinical Diagnosis or Multidisciplinary Assessment t is possible to deduce the necessary educational measures, in the principle of causality that exists between different learning and the different functioning of the mind.*** *It is necessary to eradicate the serious and harmful mistake of applying an educational measure only on the basis of the previous psycho-pedagogical assessment.[22]*

The cognitive factors of giftedness could be identified through psycho-pedagogical assessment (education professionals) and at the same time through clinical judgment (reason), while emotional factors, and its permanent interaction with the cognitive system, are identified only by means of Clinical Diagnosis, which in all the cases will have to include the Asynchronous Character Syndrome Differential Diagnosis and other associate pathologies (health professionals). This requires: multidisciplinary team and unity of action[10].

*The gifted child Clinical Diagnosis cannot be understood as a one-sided process. All three parts are involved: the family, the education system and a specialized external center will have to take part, each with its specific contributions. All three actions must be done in harmony. None of them should be considered determinant. When it is a child or young person in question, the parents have the exclusive right to choose the center (public or private) to carry out the Giftedness Diagnosis. This is true for the undertaking of the previous approximations (detection, identification and psycho-pedagogic evaluation) in its educative factors[24], as well as the clinical factors: analysis and Diagnosis[25]***».** *(Law 41/2002)*

"The detection by families or teachers is part, together with the subsequent psycho-pedagogical assessment, of the initial process of identification of the gifted child; but it is not enough, In order to determine that a pupil is in the areas of intellectual exceptionality, a clinical diagnosis by specialized professionals is essential".
(Ministry of education)

http://defensorestudiante.org/de/archivos/pdf/Escritura_Notarial_Normativa_Ministerio.pdf

http://defensorestudiante.org/Norma%20MEC,redactado%20inicial.html

(The "Experts' Top Council in High Capacities Clinical Integrated Diagnosis Model" can be found in the Top Council Web http://altascapacidadescse.org/ModeloDeDiagnosticoClinicoIntegrado1.pdf).

Gifted pupils' learning styles

« *Gifted children are not only faster than normal children but they are different: they think and feel differently from the rest[14], they see problems otherwise, learn otherwise[26], they use different ways for solving problems and have different learning styles[27]. In the same way as water changes its properties when reaching certain temperatures, human intelligence changes its properties when it reaches a critical level [28], because a high IQ is not simply more of the basic mental skills that everybody has, on the contrary, it is a difference in processes and approaches[26].*

Gifted (and talented) children need different educational programs special services which are not provided by normal school programs in order that they may fulfil their contribution to themselves and to society, thus enabling their high capacity to produce results.

They need a wide variety of educational opportunities and services that are not ordinarily foreseen in the standard educational programs[9,] which are specified in a Curricular Adaptation that has nothing to do with an individualized or segregated education[39], and in all cases is based on their specific learning styles, orientated to the permanent interaction of the emotional processes in the cognitive system[19] .

The gifted pupils need of different programs and specific learning styles will not be such when an educational system reaches the "Fourth Phase": Quality of education for everybody in the conditions indicated in the UN Human Rights Commission 2003report[32].

The gifted children's' specific Learning Styles are indispensable for these pupils, and at the same time they turn out to be very beneficial for all of the rest[33]. They constitute the essence of the Curricular Adaptation, indexed in the group curriculum[5]. All the students take part in the Curricular Adaptation development and application, each student from a different perspective according to their capacities and talents and specific values, thus creating a permanent interaction of each one with the others, which promotes integration and performance of every student[19]. The educational intervention (The precise Curricular Adaptation that in certain cases can include acceleration) is indicated by means of Clinical Diagnosis[1]. The execution of the design, development and evaluation of the Curricular Adaptation is an exclusive responsibility of teachers and school directors[22].

*When the gifted children do not receive the different school programs, the essential Curricular Adaptation, a situation of risk is created for their psychic health that must be reported immediately[31]. This situation also provokes Asynchronous Character Syndrome, Diffusion of Identity Syndrome, so that, as a rule, the causality principle is established with the cognitive distortions that constitute the cause and the maintenance of the psychic disease, including the disorders of personality. Such that we are able to affirm, as a general rule, that this situation prevents, in any case, the exercise of the right to receive an education aimed at the full and free development of the personality[10]***».***

(The international Paper "**The Gifted Pupils Learning Styles "** is found in the Top Council Experts in High Abilities web: http://altascapacidadescse.org/Los%20Estilos%20de%20Aprendizaje%20de%20los%20Alumnos%20SuperdotadosPonenciaUNED.pdf)

INTELLECTUAL PRECOCITY

« *Intellectual Precocity is the evolutionary, cognitive, emotional and motivational phenomenon multidimensional of the human intelligence by which along the development stage and activation of the intellectual basic resources (0 and 14 years) the differences of configuration can be attributed to at least two reasons: Differences in the pace of development, if the activation of the intellectual resources is carried out in a briefer lapse of time than the average pace (considered normal) and differences in ceiling if once finished the cognitive development it presents more and better aptitudes than the average*[5] *.*

Pupils with Intellectual Precocity need the same educational treatment as the gifted pupils[12]**».**

SIMPLE TALENT AND COMPOUND TALENT

«*Talent is the cognitive, emotional and motivational, stable phenomenon multidimensional of the human intelligence which answers, up to a point, to the opposite concept to Giftedness: Specificity and quantitative differences, whereas in the Giftedness the more important intellectual differences are the qualitative ones and overall abilities*[5]*.*

Simple talent: High aptitude in an area or type of information (Ex: verbal or mathematical), or in a type of cognitive processing (logical or creative). In other areas or forms of processing they can present discreet or deficit levels.

Complex talents: They are constituted by the combinations of specific aptitudes: Academic Talent (Verbal + Logician + Memory Management). Artistic talent (Perceptual Management + Spatial Aptitude + Creative Talent) [5]*.*

A set of environmental and intrapersonal catalysts are needed in order for a talent to emerge[34]*.*

Pupils with Simple Talent or Compound Talent need, as do the gifted pupils, programs and educational services different from those commonly provided by normal school programs to be able to carry out their contribution to themselves and to society[29]**».**

HIGH INTELLECTUAL ABILITIES

« *The High Intellectual Capacity from the non-reductionist and scientific perspective constitutes a process of ontogenetic transformation, [2] of origin and biogenetic foundation and neurobiological substrate. Its nature and configuration is neuropsychological, neurobiological and epigenetic; therefore, it is a process whose identification requires a biopsychosocial diagnosis. Its main interest lies in knowing and developing, in each person, the qualitative intellectual differences, its cognitive and metacognitive differential functioning, which determines the different educational process that it needs in the mandatory Inclusive or personalized Education.*

These people have differential functioning in task solving, executive functioning and learning. [2] They think, understand, and know in a different quantitative way, but, above all, qualitatively with respect to typical learners. [2] They have a different brain, process information differently, store information differently, and most importantly, retrieve information differently [69].

High intellectual abilities are understood as the set of cognitive and emotional phenomena previously defined1. They require high initial intellectual potential 68multidimensional configured in different skills that should crystallize during the development towards excellence as a manifestation in adult life, and which distinguishes cognitive functioning of people with average intellectual capacity. The duties resulting from the process of development, from a neurobiological substrate, psychosocial variables incidents and education, that affect their more or less stable and optimal manifestation and not guaranteed by neurobiological configuration [2].

The high capacities are manifested in a multidimensional intellectual giftedness or talent profiles configured for various components, with a differential operation in solving tasks, executive functioning and learning. This means that these people think, understand, and know differently quantitative, but above all qualitatively compared to typical learners [2].

All of them need an educational attention different from that commonly offered at schools29that is: educational school attention: (Curricular Adaptation) and educational out-of-school attention (Specific Programs of High Abilities). Both actions must be developed in a coordinated way.[22]

The analysis of the cognitive factors of the High Abilities belongs to the educational area and at the same time to the Health Science domain, whereas the analysis and diagnosis of the emotional factors of the High Abilities and its permanent interaction in the cognitive system, as well as the indispensable Asynchronous Character Syndrome differential diagnosis belongs exclusively to the clinical area. Thus, the diagnosis of the high abilities requires a multidisciplinary team of specialists with wide experience in which qualified health professionals will have to take part and not only educational professionals.[10,50].

As for the Psychologists, in the light of the health laws, only those that possess the Specialist's Degree in Clinical Psychology are considered to be professionals with health qualifications. [51][1]

The top abilities are given in children and teenagers from all the cultural groups, in all the social strata and in all the fields of the human activity [11]. Very few persons can be considered to be fully representative of a cognitive and emotional concrete phenomenon. The majority are situated in the confluence of several ones[1] **».**

GIFTED CHILDREN CHARACTERISTICS[66]

1. Asynchronous neuropsychological maturity process (inharmonic) 2. Precocious acquisition of language and reasoning skills. 3 Conversational level and interests similar to those of older children. 4. Insatiable curiosity and keen questions. 5. Fast and intuitive comprehension of concepts. 6. Impressive long-term memory. 7. Aptitude to have in mind unimaginable problems. 8. Aptitude to relate concepts. 9. Interest in the companions and in the social relations. 10. Advanced sense of the humor for their age. 11. Brave exposition of new ways of thinking. 12. Pleasure in the solution and approach of problems. 13. Aptitude to be independent in diverse activities. 14. Talent for a specific area: music, drawing, reading, etc. 15. Sensibility and perfectionism. 16. Intensity to feel emotions.
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THE RIGHT TO THE EDUCATION IN DIVERSITY. (INCLUSIVE EDUCATION)

«The International Convention on the Rights of the Child adopted by the United Nations General Assembly of November 20, 1989, states in its article 29.1.a: "*The ratifying States agree that child's education will have to be aimed at: a) Developing the child's personality, aptitudes and mental and physical abilities to their fullest potential*"[65].

It is known by science that each child's maximum level of possibilities is diverse, since their development is different and their personalities, aptitudes, and mental and physical capacity are diverse in every child[67]. Therefore, every child's right to education in diversity is legally recognized in all the states that have ratified this International Convention and, therefore, falls under each state's judicial order[65].

It is difficult to imagine the "*right to the diversity*" in a dictatorial state. But it is even more difficult to conceive a democratic state in which this right is translated into practice only in a few timid measures which merely compensate for inequalities and that can be hardly reached[40].

The Diversity Law in the school goes beyond the mere integration and specific inequality compensating measures, since the school has to respond to all and not to attend some in detriment of others. It is the "*shared Pluralism*"$_{64}$, which allows all the pupils to acquire a cultural patrimony that supports the right of everybody to a dignified life[40].

It is a question of understanding diversity as support for a series of values of cardinal importance for the construction of a democratic, plural, and tolerant society. To educate in diversity is to recognize the existing differences between people. It assumes a school for all that makes the culture of the diversity its own and places us all in a non-exclusive quality framework[33].

To recognize the existing differences between people implies, for teachers, knowing and respecting the different form in which every brain processes information. To understand and attend to education adapted to every pupil[41],that increases the number of his(her) dendritic branches[41], creates and multiplies new synapses[42],enriches the number and type of neural connections, their quality and their functional abilities[43].Taking into account the early interactions across "windows of opportunity"[44], which determines how the brain is wired and how it is interconnected[45], since intelligence is teachable and learnable, And education adapted to each one is, also, their brain architecture[41].

Before proposing pedagogic measures, it is indispensable to update our knowledge on the innate resources that every brain has for learning[47]. If we do not know how every brain is, how it processes information, how it learns, we cannot plan effective teaching[48].

In Spain, the right of education in diversity has been legally recognized by The Organic Law of Education (LOE). In the educational system previous to the LOE[.49] the attention to diversity was the exception to the homogeneous education that was the norm. In the LOE the attention to diversity is established as a fundamental principle that must govern the whole basic education, providing to the whole student body an education adapted to his(her) characteristics and needs,$_{50}$

In the LOE the attention to diversity is established as a fundamental principle that must govern the whole basic education, providing to the whole student body an education adapted to his(her) characteristics and needs[50]. This type of education needs an individualized planning for every student, but it is not opposed to education within a group[50]. The relationship of the gifted pupil, through his(her) curricular adaptation, with the other, each one from his(her) own talents and values, brings about an intense pedagogic dynamic that raises the everyone's performance, removes the school failure and allows the classroom to advance towards the new forms of self-regulating learning that shape the21st century New Education Paradigm, which arises from the Bologne Agreement[10].The attention to diversity demands the prior diagnosis of pupils' specific needs and solutions adapted in every case depending on this diagnosis[50].

The right to diversity is respected when "different learnings are corresponded to different minds" [51]; when equity and excellence are not situated in conflict, but in harmony and conjunction[52]. When comprehensibility is not placed in tension with the culture of effort and the satisfaction for its achievements. And when equality, erroneously compared with justice, is not situated in tension with the education in freedom.[40]

It is, definitely, when the basic concepts, overcoming partisan and ideological interpretations, are orientated to international research scientific postulates, and in consequence, they find conjunction and permanent interaction[40]. The right to diversity finds its reference frame in the 21st century New Education Paradigm, which arises from the Bologna Agreement and brings the whole series of modifications and deep changes at organizational, legal and administrative levels[53], as a result of the requirements and characteristics of the knowledge and the learning societies[54]. It is centered on the concept of lifelong learning as the generating process of new forms of thought and implies a school centers on every pupil's different learning process and not in the quantitative result, providing each of them with the skills orientated to "learning to learn" throughout their life [55].

On the other hand it implies an autonomous, personal learning based on the styles and paces of learning of each student and in the conception of the student as an active part of the process.[55]

From the psycho-educational point of view the autonomous learning that sends us to the ability of "learn to learn"[56], metacognition*, intrinsic motivation, and strategic action are required[57], and the capacity for self-regulation of one's own process of knowledge and learning construction[58], orientated to the personal perspective of future that every pupil develops[59]. This learning conception, and the need to achieve it, affects all the educational levels[60]. The self-regulated learning for all the pupils is defined as: "An active process in which the students establish the aims that guide their learning, trying to monitor, to regulate and to control their cognition, motivation and behavior, with the purpose of achieving"[61].*

In this context, the gifted pupils learning styles are synthesized in the self-regulated learning generating new forms of thought. They require full self-regulation of the knowledge construction process which leads to the development of the capacity to 'learn to learn' throughout life. This implies monitoring, regulating and controlling the metacognition; development of intrinsic and permanent self-motivation ability and strategic action is also required.

It require an emotionally intense and suitable school environment: understanding attitude, respect and full acceptance of fact of their differences, which will allow them to develop their own self- understanding, self-acceptance and self-esteem; learning as personal challenge, by means of their intuition and through big intuitive jumps, constant research and development of creativity

They need to feel themselves, not objects, but subjects, protagonists and creators of their own educational process in a cooperative and not competitive arena. They need to feel surrounded by a suitable level of "diversity culture" (especially the gifted girls) in order not to have to continue masking, restricting, denying, and in the end destroying their exceptional abilities. They need to be able to develop as free people, and as different as actually they are, to be able to develop in the new globalized knowledge society that they already feel, to accept the challenges that will correspond to them, and be able to have in it a dignified life.[40]

Inclusive or personalized education as a legal right for all students.

On 13 December 2006, the United Nations General Assembly approved the international Convention on the Rights of Persons with disabilities, as part of the Universal Declaration of Human Rights, which was extended to all students. With the authorization of the Spanish Parliament, the Spanish State ratified it and published it in the Official State Gazette of 21 April 2008. From this day on, by virtue of provisions of the Constitution Article 96.1, it is the law of superior rank that governs the educational model in the whole State
https://altascapacidades.es/portalEducacion/html/otrosmedios/Convenci%C3%B3n%20Internacional.pdf

- By its Art. 4 the State committed itself to *adapt all laws, regulations, customs and practices to the new law of higher rank*. The adaptation of education laws is still pending.

- By Article 24 the State has committed itself to "*ensure an inclusive education system at all levels"* and provide "*reasonable accommodation",* "*personalized support"*, etc.

- Article 26 recognizes the right of students to "*Multidisciplinary assessment of their abilities and needs"* and to *"an educational program based on their results"*. (Parents have to submit the report to the school.

To facilitate the implementation and development of this higher-level law in all schools, the United Nations published its *General Comment (GC4)* of 2 September 2016. (Binding and Executive Report, of 5 Chapters and 74 enumerated Paragraphs. Paragraph 10 recognizes Inclusive Education: "***Fundamental human right of all students".***
http://altascapacidades.es/portalEducacion/contenidos/noticia/Derecho-a-la-Educacion-Inclusiva-Art-24-Comentario-ONU-2016

Summary: https://altascapacidades.es/portalEducacion/contenidos/Definici%C3%B3n-Educaci%C3%B3n-Inclusiva%207.5.2018.pdf

Some autonomous communities were late in implementing it, which is why Spain was denounced before the United Nations by the Parents' Association SOLCOM. Having verified the veracity, the UN published its devastating Binding and Executive Report of 4 June 2017. In its Paragraph 84.c it concludes: "***Eliminate the exception of segregated education in the educational legislation, including the psycho-pedagogical evaluation and the schooling opinion",*** which were being carried out by counselors who lack the necessary legal qualifications
http://public%2540altascapacidades.es@altascapacidades.es/portalEducacion/html/otrosmedios/informe-ONU.pdf

THE RIGHT TO EDUCATION INFREEDOM.

This right is recognized in international treaties:

- Universal Declaration of Human Rights. Article 26.3:

> ***« Parents have a prior right to choose the kind of education that shall be given to their children».***

- Additional Protocol No. 1 European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, March 20, 1952. BOE No. 11, of January 12,1991) Section 2.

> ***« The State, in the exercise of the functions which it assumes in the field of education and teaching, respect the right of parents to ensure such education and teaching in conformity with their religious and philosophical convictions».***

- Charter of Fundamental Rights of the European Union. (Proclaimed on December 12, 2007 in Strasbourg, before the signing of the Lisbon Treaty, once ratified, makes the Charter legally binding on all countries with exceptions for Poland and the UK). Article 14. Right to education:

> ***« They respect, according to the national laws governing the exercise of the freedom of educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children according to their religious, philosophical and pedagogical ».***

In the Spanish State, the Supreme Court has the right to education in its judgment released 11/12/12, stating:

> ***« As a direct derivation of the provisions of Article 27 EC, can claim the right to education as a right to be educated in freedom».***

And, specifying the right in four main points:

- ***Parents have the right to ensure that the education and teaching of their minor children is in keeping with their convictions, moral and philosophical, and choose what they think is best for their children.***
- ***The educational options that may arise by the education authority are necessarily subject to the consent of the parents.***
- ***All subsidiary regulations should explicitly collect or develop this principle.***
- ***The Silence of the lower standard of this principle involves infringement.***

TEXT OF THE SUPREME COURT JUDGMENT 12/11/12.
APPEAL No.: 3858/2011
Grounds of Law Three:

«*As a direct derivation of the provisions of Article 27 EC, can claim the right to education as a right to be educated in freedom.*

It also has direct control of the First Additional Protocol to the European Convention for the Protection of Human Rights, which derives a right to be educated in freedom. And direct projection of the right to be educated in freedom is the right of parents to ensure the education and teaching of their minor children is in keeping with their convictions, moral and philosophical.

From this derives the right of parents to choose what they think is best for their children. And the right of parents, results necessarily in need must give their consent regarding educational options that may arise by the administration.

In the same sense is expressed in Article 26 of the Universal Declaration of Human Rights, as parents "have a prior right to choose" the kind of education that shall be given to their children. And he has said translation rules on international standards (apart those above) and state standards.

The participation of parents in the education system derives from basic state regulations, so that lower-ranking regulations must expressly include or develop this participle.

In other words, the silence of the lower rule on this principle, it effectively guarantees the same and implies its violation.

Text of the Judgment: https://altascapacidades.es/portalEducacion/html/otrosmedios/Sentencia-TS.pdf

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