



November 8, 2016

Ms. Rebecca Vazquez-Skillings  
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Westerville, OH 43082

Ms. Vazquez-Skillings:

We are writing to urge the State Board of Education to delay the adoption of the proposed changes to Ohio Administrative Code 3301-51-15, the Operating Standards for Identifying and Serving Gifted Students. The Ohio School Boards Association, the Buckeye Association of School Administrators, and the Ohio Association of School Business Officials have many concerns about the proposed rules which are outlined below. We believe that the proposed changes are not necessary especially in light of the new accountability measures on the local report card that report on the performance of gifted students and the services provided by their schools and districts.

Our most important concern with the proposed rules is the cost burden these new mandates will place on districts. This could produce an unintended consequence of reducing services to gifted students across the state. This is especially true for those districts with capped funding because those districts do not receive the full amount of gifted funding. We urge you to delay action on the rules until such time as a fiscal analysis can be completed to show the outcome and expense of these proposed changes.

Specifically, it appears to us that the goal of these proposed changes [specifically, (D)(4)(c) and (d)] is a maximum caseload of eighty students for each intervention specialist. We believe that the fiscal analysis should identify the potential cost if this maximum caseload would be implemented for all of Ohio's students who are currently identified as gifted.

Our additional concerns with the proposed rules are as follows:

1. On page 11 of the October 2016 draft, D(4)(a)-(d) adds a requirement that a gifted intervention specialist be the required teacher in each of the allowable service delivery models. Our concern is that this restriction will limit the amount of service provided to students who are being served today. This will most definitely result in an additional cost to district to find and hire personnel with the gifted intervention specialist credential.

We are also concerned about the availability of individuals with this credential. This could place a burden on all districts if there are not enough qualified personnel to go around and will especially impact students in our hard to staff schools. Ohio is already experiencing shortages in educational psychologists, occupational therapists, physical therapists, audiologists, and speech language pathologists. This rule could create another shortage area due to unnecessary prescriptive qualifications, thereby reducing the number of students that can be served.

2. Again on page 11, D(4)(d) requires a maximum caseload of 80 gifted students. We question how this number was selected and ask that ODE provide the research used to determine an optimum maximum caseload is 80 gifted students.
3. On page 12, D(7)(d) states, "*All district students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.*" We are concerned that this could also lead to a reduction in service for gifted students. For example, consider if there are two elementary schools in a district that are situated twenty plus miles apart and the first school has 750 students and the second school has 250 students. The district is providing robust services to all identified gifted students in the first school, but no service to those identified in the second school. In order to meet with the mandates of this proposed rule and stay within their budget, a district would have to make the tough decision to reduce service in the first building in order to provide an equal opportunity for service to the identified students in the second building.

We understand the premise behind wanting equal opportunity. We fear that, by taking the approach of requiring rather than one of transition and funding, the result will be what is outlined above. The goal should be augmenting the number of students served and not taking from one to give to another.

4. On page 13, D(8)(b)(ii) requires additional coursework for any general educator providing gifted services. The proposed rule specifically requires, "*at least 30 clock hours during the first year, at least 30 clock hours during the second year, and additional clock hours each year thereafter as determined by the district.*" These licensed individuals are already required by Ohio Revised Code 3319.073 to participate in professional development in child abuse prevention; violence prevention; substance abuse prevention; positive youth development promotion; school safety and violence prevention; human trafficking prevention; harassment, intimidation and bullying prevention; youth suicide awareness; and dating violence prevention not to mention the coursework and professional development requirements for their license renewal. This new mandate is overly burdensome for educators especially with the 30 required clock hours.

We are also concerned about the proposed amendment that would delineate the hours required in each topic area. This is overly prescriptive and we would like to see the research and best practices that support this level of mandated extra training for classroom educators.

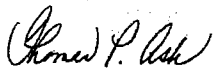
5. On page 17, E (1)(c) states that "*Students shall not be denied services due to the lack of a parent or guardian signature.*" on a written education plan (WEP). We strongly believe that a parent signature needs to be required for a student to receive service. Parents need to be involved in and sign off on the WEP's for their students similar to the IEP process.
6. On page 21, F(3)(a) we question why gifted coordinators must have an administrative license. This licensure is not necessary as these individuals do not direct any day to day work or conduct evaluations. A gifted coordinator serves as a consultant to the program and not as an administrator. If this requirement remains in the rule, gifted coordinators should be required to be trained in OTE\$ and subject to OPES.

7. On page 22, G(2) we have concerns with the risk assessment criteria. The proposed rule gives no clear indication of what the risk assessment criteria will be. If this remains in the rule and is to be determined by ODE, the criteria should also be subject to the approval of the state board of education.
8. On page 22, G(3) we understand the need for a penalty, but withholding funds from districts could result in a reduction of services for gifted students.
9. The August 2016 draft contained language in E(1) that read, "...or 2) an educator with previous experience in writing WEPs and professional development in teaching students who are gifted as documented on the educator's Individual Professional Development Plan (IPDP)." This language has been removed in the October 2016 draft. We would like this language restored because not all students will have access to an individual who has licensure or endorsement in gifted education as required by the current draft, but will have access to an educator described in (2). Our belief is that the educators described in (2) are more than qualified to write a WEP for gifted students.
10. The August 2016 draft contained language in D(8)(b)(iii) that read, "...or 2) an educator with previous experience and professional development in teaching students who are gifted as documented on the educator's Individual Professional Development Plan (IPDP)." We would like to have this language reinstated. These educators described in (2) are qualified to provide support in curriculum development and instruction and should be listed as well.

The October 2016 draft of the proposed rules is overly prescriptive and will eliminate quality services being provided for gifted students today. The rules should be aimed at providing districts the flexibility to meet the needs of their gifted students while holding them accountable through the gifted value-added measure and gifted indicator on the local report cards.

We again ask that these rules be delayed until such time as a fiscal analysis can be conducted and discussed. Please contact us if you would like to discuss our position further.

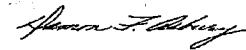
Sincerely,



Thomas Ash  
BASA Director of  
Governmental Relations



Barbara Shaner  
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Damon Asbury  
OSBA Director of  
Legislative Services

cc: Members of the State Board of Education