

ACHIEVEMENT COMMITTEE

The Achievement Committee is responsible for policy development and the recommendation of administrative rules related to student assessments as well as academic programs or services.



November 2016

TO: Achievement Committee Members
FROM: Stephanie Siddens
RE: November 2016 Achievement Committee

This month the Achievement Committee has five items on the agenda. They are: 1) Approve October minutes; 2) Discuss and Approve OAC 3301-61-07, Revisions of Career-Technical Education Plans, and 3301-61-10, Provisions for Nonpublic School Students; 3) Discuss Ohio Administrative Code (OAC) 3301-51-15, Operating Standards for Identifying and Serving Gifted Students; 4) Update on Assessment; and 5) Committee Discussion.

OAC 3301-61-07 and -10: Career-Technical Education

Proposed no change rules OAC 3301-61-07, Revisions of Career-Technical Education Plans, and 3301-61-10, Provisions for Nonpublic School Students, will be presented. Rule 3301-61-07 requires districts to submit a plan to ensure that students have access to career-technical education through their own school district or in partnership with other school districts, including joint vocational school districts. Rule 3301-61-10 ensures that students enrolled in nonpublic schools have access to career-technical education programs through their legal district of residence at no charge to the student. Nonpublic students participating in career-technical education program through their district of residence will be included in funding calculations for the school and district where they are receiving their career-technical education program. The Committee is expected to vote on the rule and submit for full board approval this month.

Leah Amstutz, Associate Director, Office of Career-Technical Education will lead the discussion.

OAC 3301-51-15: Operating Standards for Identifying and Serving Gifted Students

Proposed changes to OAC Rule 3301-51-15, Operating Standards for Identifying and Serving Gifted Students, will be presented. The November draft of the rule is the base document as approved by the Achievement Committee in October. Staff added revisions based on the amendments discussed in October and for which there was some agreement. Those added revisions are noted in the rule with comments that indicate the names of the committee members that submitted the original amendments. Copies of amendments submitted by committee members for the November version of the rule are provided in the board book committee materials. Members who submitted amendments will be given an opportunity to present and discuss the rationale for their proposed amendments.

Sue Zake, Director, Office for Exceptional Children, will lead the discussion.

Update on Assessment

ODE staff will update the committee on state testing issues including technology readiness tool and fall testing. Staff will also respond to any questions from the committee.

Jim Wright, Director, Office of Curriculum and Assessment, will lead the discussion.

Committee Discussion



State Board of Education

Committee Agenda

Committee Name: Achievement

Approximate Meeting Length: 2 hours 25 minutes

November 14, 2016

TOPIC	TIME	OUTCOME	LEAD
1. October 2016 Minutes	5 minutes	Approval	Rebecca Vazquez-Skillings , Chair
2. OAC 3301-61-07 and 10: Career-Technical Education	10 minutes	Approval	Leah Amstutz Associate Director, Office of Career-Technical Education
3. OAC 3301-51-15: Operating Standards for Identifying and Serving Gifted Students	120 minutes	Discussion	Sue Zake , Director, Office for Exceptional Children
4. Update on Assessment	5 minutes	Discussion	Jim Wright , Director, Office of Curriculum and Assessment
5. Committee Discussion	5 minutes	Discussion	Rebecca Vazquez-Skillings , Chair

Committee Members

Rebecca Vazquez-Skillings, Chair
 C. Todd Jones, Vice-Chair
 Melanie Bolender
 Pat Bruns
 Stephanie Dodd
 Joe Farmer
 Nancy Hollister
 Ann Jacobs
 Ron Rudduck

Ohio Department of Education Staff

Stephanie Siddens, Senior Executive Director
 Leah Amstutz, Associate Director
 Sue Zake, Director
 Jim Wright, Director



Achievement Committee Minutes October 17, 2016

Committee Members Present

Rebecca Vazquez-Skillings (Chair), C. Todd Jones (Vice-chair), Melanie Bolender, Pat Bruns, Stephanie Dodd, Joe Farmer, Nancy Hollister, Ann Jacobs and Ron Rudduck.

Staff Present

Stephanie Siddens, Senior Executive Director, Center for Curriculum and Assessment; Sue Zake, Director, Office for Exceptional Children; Leah Amstutz, Office for Career Technical Education, and Jim Wright, Director, Office of Curriculum and Assessment.

Roll Call & Minutes

Rebecca Vazquez-Skillings called meeting to order at 10:15 a.m.

Stephanie Dodd requested clarification on the wording of the motion from September on the HB 2 Performance Standards for Community Schools Primarily Serving Students with Disabilities in the Resolution. She requested that staff review the committee meeting recording to ensure the accuracy of the recommendation outlined in the resolution. Staff indicated they would review the meeting recording and the resolution. The board was expected to vote on the recommendation on Tuesday of the October board meeting during the full board voting agenda.

Ron Rudduck made a motion to approve the September 2016 Achievement Committee minutes. Joe Farmer seconded. The committee voted to approve the minutes.

Rule 3301-51-15 Operating Standards for Identifying and Serving Gifted Students

Rebecca Vazquez-Skillings requested a motion to use the October version of the Rule 3301-51-15 of the rule as the base document. Melanie Bolender made the motion and Pat Bruns seconded the motion. All members agreed, motion carried.

Sue Zake shared the changes made in the October version of the draft rule based on the stakeholder feedback discussed at the September Achievement Committee Meeting. Committee members were given the opportunity to present and discuss the rationale for their proposed amendments to the draft rule. Proposed amendments discussed included provision of services, notification of services, funding and teacher training requirements.

Members requested that a mid-month meeting to continue the review of the proposed amendments prior to the November State Board of Education meeting. Staff will revise the draft of the rule prior to the mid-month meeting.

Rules 3301-61-07 and -10 Career Technical Education

Leah Amstutz presented OAC Rule 3301-61-07, Revisions of Career-Technical Education Plans, and 3301-61-10, Provisions for Nonpublic School Students, to the committee. The rules were reviewed as part of the 5 year rule review and there are no changes proposed to the rules. Rules were posted for public comment in September. The rules are expected to be voted on by the Committee and full Board in November.

Update on Assessment

Jim Wright presented an update on the survey of districts on their plans for administration of the ACT and SAT in spring 2017. Districts expect to administer the ACT to around 117,000 students (90%) and the SAT to around 14,000 students (10%).

Committee Discussion

Rebecca Vazquez-Skills reiterated the committee's next steps of scheduling an Achievement Committee meeting prior to November's meeting and a vote for career technical education rules at the November meeting.

Adjournment

Motion to adjourn by Ron Rudduck, Nancy Hollister seconded. The Achievement Committee meeting adjourned at 11:57 p.m.



John R. Kasich, Governor
Paolo DeMaria, Superintendent of Public Instruction

MEMORANDUM

Date: October 31, 2016

From: Sheila Vitale, Assistant Legal Counsel

Through: Diane M. Lease, Chief Legal Counsel

To: Achievement Committee Members

Re: No Change Rules

The following rules are on the Achievement Committee agenda this month pursuant to the requirements of five year rule review.

- Rule 3301-61-07 of the Administrative Code Revisions of career-technical education plans. This rule was enacted to satisfy the requirements in Section 3313.90 of the Ohio Revised Code that the State Board enact a rule setting forth the standards for establishing and maintaining a career-technical education program. The statute and rule are still necessary to set for the standards for establishing and maintaining a career-technical education program. The rule has been reviewed and no changes are recommended.
- Rule 3301-61-10 of the Administrative Code, Provisions for nonpublic school students. This rule is enacted to satisfy the requirements in Section 3313.90 of the Ohio Revised Code that the State Board enact a rule setting forth the criteria for the participation by nonpublic students in career-technical education programs without financial assessment, charge, or tuition to such student. The statute and rule are still necessary to set for the criteria for the participation by nonpublic students in career-technical education programs without financial assessment, charge or tuition to such student. The rule has been reviewed and no changes are recommended.

Please do not hesitate to contact me if you have any questions.

*****DRAFT - NOT FOR FILING*****

3301-61-07 Revisions of career-technical education plans.

Revisions of plans for a career-technical education planning district, individual district, or combination of districts, shall be submitted to the state board of education for approval at any meeting. Proposed amendments are to be submitted to the state department of education, office of career-technical and adult education, by the twentieth of the month prior to the month in which they are to be considered by the state board of education. In accordance with section 3313.90 of the Revised Code, in approving the organization for career-technical education, the state board of education shall provide that no school district is excluded in the statewide plan.

*****DRAFT - NOT FOR FILING*****

3301-61-10 Provisions for nonpublic school students.

Each career-technical education planning district shall provide the opportunity for all eligible nonpublic school students with legal residence within the geographic boundaries of the public school district to participate in the career-technical education job-training programs without financial assessment, charge, or tuition to such student, except such assessments, charges, or tuition paid by resident public school students in such programs. The nonpublic school students shall be included in the average daily membership of the school district maintaining the career-technical education program as a part-time student in proportion to the time spent in the career-technical education program.

**RESOLUTION TO FILE AS NO CHANGE RULES 3301-61-07 AND 3301-61-10 OF THE
ADMINISTRATIVE CODE ENTITLED PROVISIONS FOR NONPUBLIC SCHOOL
STUDENTS**

The Achievement Committee **RECOMMENDS** that the State Board of Education **ADOPT** the following Resolution:

Section 3313.90 of the Revised Code requires the State Board of Education to adopt rules regarding career technical planning districts and access to career technical education for nonpublic school students;

Ohio Administrative Code 3301-61-07 and 3301-61-10 fulfill that statutory requirement; and

During its November 2016 meeting, the Achievement Committee reviewed the rule pursuant to the requirements of five year rule review and approved the department's recommendation that the rules be filed as no change;

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby approves the adoption of the existing rules OAC 3301-61-07 and 3301-61-10 with no change, which are attached hereto and incorporated herein by this reference, and

FURTHER RESOLVED, That the Superintendent of Public Instruction or his designee be, and he hereby is, directed to file with the proper agencies, and the same be made available upon request, without charge, to all persons affected by said rule; and,

FURTHER RESOLVED, That the Superintendent of Public Instruction be, and he hereby is, directed to give proper notice under the provisions of Chapter 119. of the Revised Code of the holding of a hearing on said rule; that public notice be given in the Register of Ohio; and that said notice contain a general statement of the subject matter to which the rule relates.

OPERATING STANDARDS FOR IDENTIFYING AND SERVING STUDENTS WHO ARE GIFTED

**Ohio Administrative
Code 3301-51-15
November 2016**

The November draft of the document is the base document as approved by the Achievement Committee. Language that is underlined represents the Amendments introduced, discussed and for which there was agreement including the modifications to the original amendment language.

3301-51-15 Operating standards for identifying and serving students who are gifted

(A) Definitions

- (1) "Gifted" means students who perform or show potential for performing at remarkably high levels of accomplishment when compared to others of their age, experience, or environment and who are identified under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code.
- (2) "School district" means a city, local, or exempted village school district and does not include a joint vocational school district.
- (3) "Specific academic ability field" means one or more of the following areas of instruction:
 - (a) Mathematics;
 - (b) Science;
 - (c) Reading, writing, or a combination of these skills; and/or
 - (d) Social studies.
- (4) "Trained individual" means a person who by training or experience is qualified to perform the prescribed activity, e.g., educator, private teacher, higher education faculty member, working professional in the field of visual or performing arts or a person trained to administer assessments/checklists to identify gifted ability in creative, visual or performing arts.
- (5) "Visual or performing arts ability" means ability in areas such as drawing, painting, sculpting, music, dance and drama.

(B) General

- (1) All minimum standards for elementary and secondary schools shall be followed for children who are gifted.

(C) Identification

(1) Definition

The board of education of each district shall identify students who are gifted enrolled in that district in grades kindergarten through twelve as follows:

- (a) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:
 - (i) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed or certified school psychologist or licensed psychologist; or
 - (ii) Accomplished any one of the following:
 - (a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group intelligence test;
 - (b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test or;
 - (c) Attained an approved score on one or more above grade-level standardized, nationally normed approved tests.
- (b) A student shall be identified as exhibiting "specific academic ability" superior to that of students of similar age in a specific academic ability field, if, within the preceding twenty-four months the student performed at or above the ninety-fifth percentile at the national level on an approved individual or group standardized achievement test of specific academic ability in that field. A student may be identified as gifted in more than one specific academic ability field.
- (c) A student shall be identified as exhibiting "creative thinking ability" superior to students of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and also did either of the following:
 - (i) Attained a sufficient score, as established by the department of education, on an approved individual or group test of creative ability; or
 - (ii) Exhibited sufficient performance, as established by the department of education, on an approved checklist by a trained individual of creative behaviors.
- (d) A student shall be identified as exhibiting "visual or performing arts ability" superior to that of students of similar age if the child has done both of the following:
 - (i) Demonstrated to a trained individual through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts

area; and

- (ii) Exhibited to a trained individual sufficient performance, as established by the department of education, on an approved checklist of behaviors related to a specific arts area.
- (e) After any initial gifted identification made in conformance with this rule, a student shall remain identified regardless of subsequent testing or classroom performance.

(2) Testing/assessment

- (a) A list of the approved instruments and checklists will be established and published by the department of education.
- (b) The district shall select instruments from the list established by the department for use in the identification of students who are gifted.
- (c) The district shall ensure that assessment instruments:
 - (i) Are administered by a trained individual in conformance with the instructions provided by their publisher;
 - (ii) Have been validated for the specific purpose and populations for which they are used and measure the specific area(s) of gifted ability;
 - (iii) Allow for appropriate screening and identification of minority or disadvantaged students, students with disabilities, and English learners;
 - (iv) Are provided and administered in the student's native language or other mode of communication if English is a barrier to the student's performance or if requested by the parent;
 - (v) Are provided and administered using the accommodations in a student's Individualized Education Program or 504 Plan. If these accommodations are not consistent with a test's allowable accommodations, a comparable approved assessment instrument shall be used; and
 - (vi) Are selected and administered so as to best ensure that when a test is administered to a student with a disability or impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's disability or impaired sensory, manual or speaking skills.

(3) District identification plan

The board of education of each district shall adopt a plan as specified in section 3324.04 of the Revised Code for identifying students who are gifted.

- (a) The district identification plan, in accordance with department of education guidelines, shall be submitted to the department of education for approval immediately following district board of education approval.
- (b) The department of education shall approve the plan within sixty days if it contains all of the following:
 - (i) A description of the assessment instruments from the list approved by the department that the district will use to screen and identify students who are gifted;
 - (ii) The provision of at least two whole grade screening opportunities as follows:
 - (a) For (1) superior cognitive ability, (2) specific academic ability in the areas of (a) mathematics and (b) reading, writing or a combination of these skills, and (3) creative thinking ability for all students once prior to the end of grade two.
 - (b) For (1) superior cognitive ability, (2) specific academic ability in the areas of (a) mathematics and (b) reading, writing or a combination of these skills, and (3) creative thinking ability for all students once after the completion of grade two but prior to the end of grade six.
 - (iii) Acceptable scheduling procedures for screening and for administering assessment instruments for identifying students who are gifted. These procedures shall provide:
 - (a) In the case of students who have requested assessment or who have been recommended for assessment by teachers, parents, or other students, at least two opportunities a year for assessment regardless of the grade levels where gifted services are offered. A student's initial assessment shall be completed within ninety days of referral;
 - (b) Assurance of inclusion in screening and assessment procedures for minority and disadvantaged students, students with disabilities, and English learners; and
 - (c) Assurance that any student transferring into the district will be assessed within ninety days of the transfer at the request of a parent;

- (iv) Procedures for notification of parents within thirty days of the district's receipt of a student's results on any screening procedure or assessment instrument; and
- (v) The provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of students for assessment, or the placement of a student in any program or for receipt of services.
- (c) The district shall accept assessment results from other districts or from a trained individual outside the district, as equivalent to district testing as set forth in paragraph (C) of this rule (identification) and may not exclude a student from service options due to reassessment, test scores from other districts or test scores from trained personnel outside the district if the student meets the criteria specified in paragraph (C) of this rule (identification). Districts shall not alter eligibility through any consideration or computation other than as set forth in paragraph (C) of this rule (identification).
- (d) The district's plan may provide for the district to contract with any qualified public or private service provider to provide screening or assessment services under the plan.
- (e) The district shall work with the department of education to amend the plan and ensure the plan meets approval, and if the district changes the plan such changes shall be submitted to the department of education immediately following district board of education approval.

(4) District policy

The board of education of each district shall adopt a statement of its policy for the screening and identification of students who are gifted and shall distribute the policy statement to parents.

(a) The policy statement shall specify:

- (i) The criteria and methods the district uses to screen students and to select students for further assessment who perform or show potential for performing at remarkably high levels of accomplishment in each of the gifted areas specified in this rule;
- (ii) The sources of assessment data the district uses to select students for further testing and an explanation for parents of the multiple assessment instruments required to identify students who are gifted under section 3324.03 of the Revised Code;

- (iii) An explanation for parents of the method the district uses to ensure equal access to screening and further assessment by all district students, including minority or disadvantaged students, students with disabilities, and English learners;
- (iv) Provisions to ensure equal opportunity for all district students identified as gifted to receive services offered by the district;
- (v) Provisions for students to withdraw from gifted programs and services, for reassessment of students, and for assessment of students transferring into the district;
- (vi) A detailed list of the services likely to be provided to a student, based on the nature of a student's identification, and of all gifted services that are currently available within the school district including the criteria for receiving those services (3301.51.15(D)(4)); and
- (vii) Methods for resolving disagreements between parents and the district concerning identification and placement decisions.

(b) A copy of the district's policy adopted under this section shall accompany the district's plan submitted to the department of education under section 3324.04 of the Revised Code.

(D) Provision of services

- (1) Gifted services must include instruction that is differentiated from the standard curriculum for that course in depth, breadth, complexity, pace, and/or where content is above-grade level.
- (2) Services shall occur during the typical instructional day with flexibility allowed for the scheduling of district-approved internships or mentorships and higher education coursework, including credit flexibility.
- (3) Instructional time, class size, and caseload ratios for all service settings shall be equivalent to districtwide instructional time, class size and caseload ratios for the corresponding subject, grade level, and setting under 3301-35-05(3) of the Administrative Code with exceptions as noted by setting. ~~An exception is noted below only for co-teaching and resource room/pull-out settings.~~
- (4) A continuum of services provided by each district board of education, where content is delivered per (D)(1) above, may include but is not limited to such options as the following:

Commented [ZS1]: October Amendment: *Provide More Rigor to the Definition of Services and WEPs* submitted by Stephanie Dodd and Melanie Bolender.

(a) A full-time self-contained classroom where the gifted intervention specialist is the teacher of record and all students are identified as gifted. A maximum of 20 students at one time is permitted in this setting. The department of education, office for exceptional children, shall establish policies and procedures for granting temporary waivers related to this setting;

Commented [ZS2]: October Amendment: *Provide More Rigor to the Definition of Services and WEPs* submitted by Stephanie Dodd and Melanie Bolender.

(b) A single subject self-contained course where the gifted intervention specialist is the teacher of record and all students are identified as gifted;

(c) Services through co-teaching in a cluster grouping setting where a group of students who are gifted is deliberately placed together in a classroom where one teacher is a gifted intervention specialist with a maximum of twenty students who are gifted at any one time and a maximum caseload of eighty students who are gifted. The teachers shall be provided with regularly scheduled collaborative planning time. Each student served in this setting shall be provided instruction for no less than one core content class period a day or an average of fifteen percent of the school week. The department of education, office for exceptional children, shall establish policies and procedures for granting temporary waivers related to this setting;

(d) A resource room/pull-out where the gifted intervention specialist ~~is not the teacher of record with~~ has a maximum of twenty students who are gifted at any one time and a maximum caseload of eighty students who are gifted. Each student served in this setting shall be provided instruction for no less than one core content class period a day or an average of fifteen percent of the school week. The department of education, office for exceptional children, shall establish policies and procedures for granting temporary waivers related to this setting;

Commented [ZS3]: October Amendment: *provide More Rigor to the Definition of Services and WEPs* submitted by Stephanie Dodd and Melanie Bolender.

(e) Cluster grouping where a small group of students who are gifted is deliberately placed together in a classroom. Each student served in this setting shall be provided instruction for no less than one core content class period a day or an average of fifteen percent of the school week.

Commented [ZS4]: October Amendment: *Provide More Rigor to the Definition of Services and WEPs* submitted by Stephanie Dodd and Melanie Bolender.

(f) An Honors course;

(g) An International Baccalaureate course;

(h) An Advanced Placement course;

(i) Services through a trained Arts instructor;

(j) Grade acceleration, early entrance to kindergarten or first grade, subject acceleration, or early graduation from high school per district acceleration policy approved under Section 3324.10 of the Revised Code;

(k) Dual enrollment opportunities including but not limited to College Credit Plus;

- (l) In internships and mentorships; and/or
 - (m) Educational options including credit flexibility, advanced online courses and programs and other options as defined in rules 3301-35-01 and 3301-51-06 of the Administrative Code.
- (5) Services for students shall be consistent with their area(s) of identification and shall be differentiated to meet their needs.
- (6) The district shall only indicate to parents or report to the department of education that a student is receiving gifted education services when services are provided in conformance with this rule.
- (7) Placement procedures for district services shall be in conformance with the district's written criteria for determining eligibility for placement in those services.
- (a) Written criteria for determining eligibility for placement in a gifted service shall be provided to any parent, district educator, or the department of education upon request.
 - (b) Written criteria provided by the district shall include an explanation of the methods used to ensure equal access to each gifted service for all eligible district students, including minority or disadvantaged students, students with disabilities and English learners. This written criteria shall not unduly restrict access to services.
 - (c) Subjective criteria such as grades and teacher recommendations shall not be used to exclude a student from service.
 - (d) All district students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.
- (8) Personnel shall meet the qualifications below and shall provide services that are consistent with this rule.
- (a) A gifted intervention specialist shall:
 - (i) Hold licensure or endorsement in gifted education; and
 - (ii) Participate in ongoing professional development related to gifted education as documented on the Individual Professional Development Plan (IPDP) or other methods as determined by the department.
 - (b) A general education teacher who is designated as the provider of gifted services shall:
 - (i) Receive specialized training in gifted education as documented and monitored by

the district on the teacher's Individual Professional Development Plan (IPDP) or other methods as determined by the department in order to meet the following competencies:

- (a) The ability to differentiate instruction based on a student's readiness, knowledge and skill level, including using accelerated content, complexity, depth challenge, creativity and abstractness;
 - (b) The ability to select, adapt, or create a variety of differentiated curricula that incorporate advanced, conceptually challenging, in-depth, distinctive and complex content;
 - (c) The ability to provide an extension or replacement of the general education curricula, to modify the learning process through strategies such as curriculum compacting, and to select alternative assignments and projects based on individual student needs;
 - (d) The ability to understand the social and emotional needs of students who are gifted and to address the impact of those needs on student learning;
 - (e) The ability to recognize and respond to characteristics and needs of students from traditionally underrepresented populations who are gifted and create safe and culturally responsive learning environments;
 - (f) The ability to use data from a variety of sources to measure and monitor the growth of students who are gifted;
 - (g) The ability to select, use and interpret technically sound formal and informal assessments for the purpose of academic decision making;
 - (h) The ability to participate in the development of the Written Education Plan.
- (ii) Participate in ongoing professional development related to gifted education as documented on the Individual Professional Development Plan (IPDP), or other methods as determined by the department, from an educator who holds licensure or endorsement in gifted education, a graduate degree in gifted education, or is a state or national presenter in gifted education. Professional development covering the competencies listed in (8) (b) (i) (a) – (h) must include 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. Any documented clock hours earned in the 24 months prior to the adoption of this rule shall count toward this requirement; and
- (iii) Receive ongoing support in curriculum development and instruction from an educator who holds licensure or endorsement in gifted education.

Commented [ZS5]: October Amendment: *General Educator Training for Those Providing Gifted Services* submitted by Stephanie Dodd and Melanie Bolender

Commented [ZS6]: October Amendment: *General Educator Training for Those Providing Gifted Services* submitted by Stephanie Dodd and Melanie Bolender

Commented [ZS7]: October Amendment: *General Educator Training for Those Providing Gifted Services* submitted by Stephanie Dodd and Melanie Bolender

Commented [ZS8]: October Amendment: *General Educator Training for Those Providing Gifted Services* submitted by Stephanie Dodd and Melanie Bolender.

(c) A Coordinator of gifted education services shall:

- (i) Demonstrate evidence of at least three years successful teaching experience;
- (ii) Hold Ohio administrative specialist license, if the coordinator is to supervise teachers;
- (iii) Hold licensure or endorsement in gifted education; and
- (iv) Participate in ongoing professional development related to gifted education as documented on the Individual Professional Development Plan (IPDP) or other methods as determined by the department.

(9) Coordinators of gifted education shall provide the following services for school districts:

- (a) Assist in the identification of students who are gifted;
- (b) Assist in the placement of students who are gifted in appropriate educational services and settings;
- (c) Assist school personnel in the design of gifted education services;
- (d) Consult with school personnel regarding gifted education issues in district strategic planning processes and the development of school improvement plans;
- (e) Assist school personnel in the on-going evaluation of the effectiveness of gifted education services, including input from parents of students who are gifted;
- (f) Consult with school personnel about ways to develop and adapt curriculum, materials, and teaching strategies; and
- (g) Assist school personnel in ensuring that documents required in this rule regarding gifted identification procedures and written criteria for placement in gifted services are accurate and accessible to parents and other stakeholders.

(10) All personnel providing gifted services shall be provided with appropriate space and sufficient time for designing their work, evaluating student progress, conferencing, and planning.

(11) Gifted coordinators, gifted intervention specialists, and all general educators providing gifted services are accountable through the Ohio Educator Evaluation System.

(E) Written education plan (WEP)

Gifted services shall be guided by a WEP. The district shall provide parents with periodic reports regarding the student's progress toward meeting goals and the effectiveness of the services provided in accordance with the WEP.

(1) The WEP shall be developed in collaboration with an educator who holds licensure or endorsement in gifted education. The WEP shall:

(a) Provide a description of the services to be provided including:

(i) Goals for the student in each service specified including, but not limited to, measureable academic goals. Goals may also include curricular, guidance and instructional practices which support the student's social and emotional needs;

(ii) Methods and performance measurements for evaluating progress toward achieving the goals specified;

(iii) Methods and schedule for reporting progress to students and parents;

(iv) Staff members responsible for ensuring that specified services are delivered;

(v) Policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general education classroom; and

(vi) Include a date by which the WEP will be annually reviewed for possible revision.

(b) Parents, the collaborating educator, and all educators responsible for providing gifted education services to the student, including teachers providing differentiated instruction in general education settings, shall be provided a copy of the WEP.

(c) Districts shall make a reasonable attempt in writing, electronic or otherwise, at the commencement of services and each year thereafter in which a student receives gifted services, to obtain a parent or guardian signature on the WEP. Students shall not be denied services due to the lack of a parent or guardian signature.

(2) For each student identified as gifted who is not provided gifted services per this rule, districts shall develop and disseminate to parents or guardians a no services letter which clearly communicates that the student is not receiving gifted services. The letter may include a list of enrichment opportunities provided to the student by the district.

Commented [ZS9]: October Amendment to *Require a Differentiation Proposal or No Service Notice if a District Doesn't Provide a WEP to a Gifted Student* submitted by Rebecca Vazquez-Skillings

(F) Funding

(1) Districts shall report the amount of funds spent on gifted education using guidelines prescribed by the department of education.

- (2) The department, no later than October 30 each year, shall publish on its website district expenditures for gifted education.
- (3) In an allocation process determined by the department, where educational service centers receive gifted unit funding, units must be allocated with appropriately licensed and qualified gifted staff as follows:
 - (a) Gifted coordinators must have gifted licensure and, if assigned to supervise staff, must have administrative licensure;
 - (b) Gifted intervention specialists must have gifted licensure; and
 - (c) Units for gifted intervention specialists may be allocated where qualified gifted coordinator services are available.

(G) Accountability

- (1) Each year districts shall submit data to the department of education specifying:
 - (a) The number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code.
 - (b) The number of students receiving gifted services in conformance with this rule.
- (2) Each district shall participate in an audit based on risk assessment criteria as determined by the department. Districts may be selected for audit more frequently based on complaints or suspicion of non-compliance. Audits will be differentiated and may include onsite reviews, desk reviews and/or self-reviews of gifted education data, policies, practices and procedures. Results of the audit may require corrective action and/or the implementation of a district improvement plan.
 - (a) Districts shall be provided an opportunity to validate the data used for the audit and to respond to the audit findings.
 - (b) The department of education shall provide technical assistance to any district found in noncompliance with this rule.
- (3) The department of education may reduce funds received by the district under Chapter 3317 of the Revised Code by any amount if the district board of education continues to be noncompliant.

(H) Innovative gifted service proposals

The department shall establish a process and criteria for submission and review of proposals related to the innovative design and delivery of services for students who are gifted. Innovative gifted service proposals may be approved for not more than 5 years of implementation.

(I) Gifted Advisory Council

The superintendent of public instruction shall establish a gifted advisory council. The council shall:

- (1) Represent a variety of stakeholders from diverse regions of the state, including parents, general and gifted educators, administrators, and others as determined by the superintendent;
- (2) Assist in the development and updating of a department-approved plan for gifted education in Ohio;
- (3) Advise on policy recommendations;
- (4) Serve as advisors in establishing criteria for review of proposals to implement innovative gifted services; and
- (5) Establish criteria for identifying and recognizing schools, districts, and other educational providers that demonstrate an exemplary ability to serve students who are gifted.

Gifted Rule - 3301-51-15

Amendments Proposed by Melanie Bolender and Ann Jacobs

November 2016

1. Amendment to Strengthen General Educator Professional Development – Starting on page 2 of amendments
2. Amendment to Strengthen WEPs – Starting on page 4 of amendments
3. Amendment to Ensure that Parents and the Public Can View District Gifted Data – Starting on page 5 of amendments
4. Amendment to Support and Remediate Districts Whose Gifted Students Continue to Perform at Unsatisfactory Levels – Starting on page 6 of amendments

1. Amendment to Strengthen General Educator Professional Development

There is an abundance of research that shows that gifted children are rarely provided differentiated curriculum or instruction in the general education classroom *even when those teachers are provided training* – unless there is additional support from a trained gifted teacher. With districts increasingly using this classroom model, we need to ensure that gifted students are in a classroom with a teacher who has an appropriate level of *ongoing* training to support their learning needs. We also need to protect classroom teachers from being placed in situations where they are teachers of record for providing gifted services, but they have no tools or training to do so. It is unfair and wrong for both students and educators. We must insist that appropriate ongoing training is provided. We need to remember that districts have the ultimate flexibility of not being required to provide gifted services. But if districts do choose to serve their gifted students and use general education teachers to provide those services, we need to ensure that those classroom teachers are adequately prepared.

While the original amendment offered for this section was much more specific and required more training hours, in the interest of compromise and in recognition of the department's work, this amendment makes only one clarifying change to the training section by adding a minimal level of ongoing annual training after the initial two years. This training can be part of the teacher's IPDP (Individual Plan for Professional Development). ESCs, universities, and the gifted association have already begun to make plans to ensure that adequate gifted professional development is readily available to teachers across the state. Changes begin at the bottom of page 10 of the November draft and are in **bold**.

(8) Personnel shall meet the qualifications below and shall provide services that are consistent with this rule.

(a) A gifted intervention specialist shall:

(i) Hold licensure or endorsement in gifted education; and

(ii) Participate in ongoing professional development related to gifted education as documented on the Individual Professional Development Plan (IPDP) or other methods as determined by the department.

(b) A general education teacher who is designated as the provider of gifted services shall:

(i) Receive specialized training in gifted education as documented and monitored by the district on the teacher's Individual Professional Development Plan (IPDP) or other methods as determined by the department in order to meet the following competencies:

(a) The ability to differentiate instruction based on a student's readiness, knowledge and skill level, including using accelerated content, complexity, depth challenge, creativity and abstractness;

(b) The ability to select, adapt, or create a variety of differentiated curricula that incorporate advanced, conceptually challenging, in-depth, distinctive and complex content;

(c) The ability to provide an extension or replacement of the general education curricula, to modify the learning process through strategies such as curriculum compacting, and to select alternative assignments and projects based on individual student needs;

(d) The ability to understand the social and emotional needs of students who are gifted and

to address the impact of those needs on student learning;

- (e) The ability to recognize and respond to characteristics and needs of students from traditionally underrepresented populations who are gifted and create safe and culturally responsive learning environments;
- (f) The ability to use data from a variety of sources to measure and monitor the growth of students who are gifted;
- (g) The ability to select, use and interpret technically sound formal and informal assessments for the purpose of academic decision making;
- (h) The ability to participate in the development of the Written Education Plan.
- (ii) Participate in ongoing professional development related to gifted education as documented on the Individual Professional Development Plan (IPDP), or other methods as determined by the department, from an educator who holds licensure or endorsement in gifted education, a graduate degree in gifted education, or is a state or national presenter in gifted education. Professional development covering the competencies listed in (8) (b) (i) (a) – (h) must include at least 30 clock hours during the first year, at least 30 clock hours during the second year, and **an** additional **ten** clock hours each year thereafter **or more** as determined by the district. Any documented clock hours earned in the 24 months prior to the adoption of this rule shall count toward this requirement; and
- (iii) Receive ongoing support in curriculum development and instruction from an educator who holds licensure or endorsement in gifted education.

2. Amendment to Strengthen WEPs

This amendment clarifies some issues regarding written education plans (WEPs) by ensuring that that regular reports are provided to parents of students on WEPs, and that the WEP indicates that for students identified in multiple areas the specific areas are covered by the WEP.

The language changes begin on page 12 of the November draft. Changes are in **bold**.

(E) Written education plan (WEP)

Gifted services shall be guided by a WEP. The district shall provide parents with periodic reports regarding the student's progress toward meeting goals and the effectiveness of the services provided in accordance with the WEP.

(1) The WEP shall be developed in collaboration with an educator who holds licensure or endorsement in gifted education. The WEP shall:

(a) Provide a description of the services to be provided including:

(i) Goals for the student in each service specified including, but not limited to, measureable academic goals. Goals may also include curricular, guidance and instructional practices which support the student's social and emotional needs;

(ii) Methods and performance measurements for evaluating progress toward achieving the goals specified;

(iii) Methods and schedule for reporting progress to students and parents **at least once per semester;**

(iv) Staff members responsible for ensuring that specified services are delivered;

(v) Policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general education classroom; and

(vi) Include a date by which the WEP will be annually reviewed for possible revision.

(b) Parents, the collaborating educator, and all educators responsible for providing gifted education services to the student, including teachers providing differentiated instruction in general education settings, shall be provided a copy of the WEP.

(c) If a student is identified in multiple areas, the WEP must clearly indicate which areas are covered in the WEP and which are not.

(ed) Districts shall make a reasonable attempt in writing, electronic or otherwise, at the commencement of services and each year thereafter in which a student receives gifted services, to obtain a parent or guardian signature on the WEP. Students shall not be denied services due to the lack of a parent or guardian signature.

(2) For each student identified as gifted who is not provided gifted services per this rule, districts shall develop and disseminate to parents or guardians a no services letter which clearly communicates that the student is not receiving gifted services. The letter may include a list of enrichment opportunities provided to the student by the district.

3. Amendment to Ensure that Parents and the Public Can View District Gifted Data

Districts provide multiple sources of data to the department largely through EMIS about gifted education including funding, staffing, services etc. But the data is largely unseen by the public. This amendment ensures that this data is used by the department to develop district gifted profiles that will allow parents to know how students are served in their districts as well as others. It will also allow districts to view profiles of like districts to determine how to better serve their own students. Similar language was included in the draft of the operating standards passed by the achievement committee in November of 2013. It was a good idea then, and it is still a good idea. This language begins on page 14 of the November 2016 draft. Language changes are in **bold**.

Under (G) Accountability

(4) The district shall submit to the department of education, elements of effectiveness of the identification of and services to students who are gifted by July fifteenth of each year including:

(a) The number of licensed gifted intervention specialists and coordinators providing gifted services in the district including those contracted through an educational service center;

(b) The number of general educators providing gifted services in the district;

(c) State and local funding spent on identification, licensed gifted personnel, gifted professional development, gifted materials and supplies, gifted curricular materials, and transportation.

(d) The professional development or coursework related to teaching gifted students received by general educators providing gifted services, gifted coordinators and gifted intervention specialist.

(e) The services offered to students identified as gifted by the following grade bands: K-3, 4-8, 9-12.

(5) The department of education shall develop district profiles of gifted services and shall include, but not be limited to, a review of performance indicators used for gifted students, performance measures used in the gifted education dashboard, and information from district effectiveness elements. The department of education shall make the information available to the public in an easily readable format on the department's website.

4. Amendment to Support and Remediate Districts Whose Gifted Students Continue to Perform at Unsatisfactory Levels

This amendment outlines the support and remediation of districts whose gifted students do not meet gifted output measures for several years. This amendment ensures that the ORC is followed and supports both quality inputs *and* outputs in the new draft. The new language would be included on page 14 of the November draft and the language is in **bold**.

Under Section (G) Accountability

(6) Support and Remediation of Districts Whose Gifted Students are Performing at an Unsatisfactory Level

- (a) **Based on Section 3317.40 (D) of the Revised Code, if a district does not meet the gifted performance standards of satisfactory achievement, as determined by the department of education in conjunction with the gifted advisory council, for two consecutive years, the department shall require the district or school to submit an improvement plan. If the district fails to improve to a satisfactory level in three additional years, the department may direct the district to partner with another organization that has demonstrated the ability to improve the educational outcomes for gifted students to provide services to those students. The partner organization may be another school, district, or other education provider.**
- (b) **The department shall publish a list of schools, school districts, and other educational providers that have demonstrated an ability to serve gifted students.**