



Legislative Positions for the 134th General Assembly
Approved by the OAGC Governing Board – February 22, 2021

Funding

Gifted education funding in Ohio has gone through multiple revisions over the last decade. After the dismantling of the gifted unit funding system at the end of the 2009–2010 school year, gifted education operated under a maintenance-of-effort provision until 2014. This system gave districts absolute discretion, with few or no barriers to using state gifted education funds to meet the needs of gifted children. Unfortunately, the approach resulted in staggeringly negative consequences for gifted students across the state. The system produced, at least on paper, significant increases in funding through a formula that was calculated *inside* the core funding formula itself. (In the gifted unit funding system, all gifted education funds were allocated *outside* the core funding formula.) Because the accountability provisions are weak and go unenforced by the Ohio Department of Education (ODE), the only money that is indisputably allocated to gifted education is the \$3.8 million in educational service center (ESC) funding for gifted coordinators and gifted intervention specialist units.

The current gifted education funding formula allocates \$5.05 per average daily membership (ADM) for the identification of gifted students. In addition, funding for one gifted coordinator unit is allocated for every 3,300 students in a district’s gifted unit ADM, with a minimum of 0.5 units and a maximum of 8 units for the district; in addition, one gifted intervention specialist unit is allocated for every 1,100 students in a district’s gifted unit ADM, with a minimum of 0.3 units for the district. The value of each unit (\$37,750) is very low, which calls into question the adequacy of the level of funding. However, because services for gifted students are not mandated and because the ODE has not enforced how gifted education funds are spent, the majority of school districts report that they are not spending their allocated amount of formula funding on gifted students. (Please see “2019 State of Gifted Education” for more details.) Underspending on gifted education is a particular problem in smaller, rural districts. This trend is due, in part, to the cut in gifted ESC unit funding six years ago, from \$8.1 million to \$3.8 million. Smaller districts are heavily dependent on ESCs to provide gifted services. The theory was that districts would use gifted funding inside the formula to pay ESCs for gifted services if needed. However, many districts do not believe that gifted formula funding need be spent on gifted students. This is an issue for many smaller districts that spend disproportionately less of their gifted formula amounts than the other, larger groups. The funding formula in the governor’s proposed budget will likely exacerbate this problem, as wealthier suburban districts would receive increases for gifted education, and smaller, rural districts would suffer funding cuts.

Under contract from the Ohio Department of Education, the Ohio Education Research Center (OERC) conducted a gifted cost study in 2018. Most of the recommendations were incorporated into the Cupp-Patterson school funding bill (HB305/SB376) in the 133rd General Assembly and the current bill, HB1 in the 134th General Assembly. While the OAGC agrees with some of the conclusions of the study, it expresses the following concerns with the study’s conclusions:

1. The OERC recommendations largely shift the funding of gifted students to local districts, minimizing state contributions.
2. The OERC study did not offer a concrete solution on gifted funding accountability or a service mandate for gifted students.
3. The OERC study underplays the importance of ESCs in the support of gifted students in smaller, rural districts.
4. The OERC study uses a 140:1 student/gifted intervention specialist ratio at the K–8 grade levels, a level that is not supported by best practice or current administrative code. The OAGC believes this ratio will lead to degraded services. This ratio would not pass constitutional scrutiny.

For a full list of the OAGC's concerns regarding the OERC cost study and the Cupp-Patterson school funding bill please refer to OAGC testimony which can be found at <http://www.oagc.com/files/SheldonTestimonyHB305.Dec.1.2020.pdf>. The OAGC believes that some modifications to the gifted funding formula would be beneficial: removing gifted funding from both the cap and the transitional aid guarantee in the core formula and increasing the value of the gifted unit. The more significant issue, however, is (1) ensuring that all districts are held accountable for gifted education funding already allocated and (2) providing more support to smaller districts. To that end, the OAGC recommends that the legislature

Restore gifted ESC funding to the 2011–2012 level of \$8.1 million. ESCs supporting smaller, low-wealth districts should be given priority in funding. Standards should be developed to ensure that state funding for ESCs is set at a level adequate to provide services. HB110 keeps the current level of funding at \$3.7 million which we support.

Remove the cap on gifted funding in the foundation funding formula and if possible, move the funding outside the transitional aid guarantee to allow more funding to flow to smaller districts.

Increase the level of unit funding within the foundation formula to ensure that adequate staffing is provided to districts. Minimum levels of funding should be established for smaller districts.

Specify that gifted funding to districts is designated in the Cupp funding report and the gifted expenditure report so that district expenditures and state gifted funding can be compared. State gifted funding allocated to districts has not been transparent since the 2018-2019 school year.

Reestablish funding for gifted research and demonstration projects and use a portion of the Straight A funds to fund a rural, gifted initiative. Summer Honors Institutes that were defunded in 2010 should also be reinstated.

Provide additional funds to support services for underrepresented gifted students.

If the OERC gifted cost study recommendations are to be incorporated into a new funding formula such as the Cupp-Patterson bill, the changes requested by the OAGC should be included. (Again, please refer to OAGC testimony on HB305/SB376 which can be found at <http://www.oagc.com/files/SheldonTestimonyHB305.Dec.1.2020.pdf>).

Accountability

Flexible use of gifted funds has been tried, and it has failed. Although ORC § 3317.40 states that districts are intended to use student subgroup funding for that specific subgroup, 286 districts are spending below their (capped) allocated gifted funding amount. Only 58 percent of Ohio's gifted children receive services, and many of those services are on paper only. Identification has declined over 10 percent since 2009. If all gifted students were performing well, this state of affairs would be less concerning. However, very few districts met the 2019 gifted performance indicator. Please note that these figures are for the 2018-2019 school year. We know based on preliminary data that the identification and service of gifted student has been negatively affected for the 2019-2020 and current school year. This lack of accountability for funding and performance has not benefited Ohio's gifted students. The OAGC recommends that the legislature

1. **Increase the level of accountability for gifted education funding by requiring all districts to spend gifted funding in the foundation formula on identification and on appropriately licensed gifted personnel.** Districts showing great promise in this area could be exempted from this requirement.
2. **Require the ODE to post data on what gifted services are offered at each district by grade band, as well the number of licensed gifted personnel employed or contracted by the district.** The data already exist and will allow parents to compare the types and levels of district services.
3. **Revise the subgroup accountability language (ORC § 3317.40) to allow the ODE to use the full gifted performance indicator to gauge the success of the gifted subgroup.** Currently, the ODE uses only the gifted performance index and gifted value-added scores. ODE staff has indicated that they are unable to do more because of restrictions in the ORC. As more components are added to the gifted performance indicator, it will become more important for the ODE to factor them in to determine the relative success of the subgroup.
4. **Require districts indicating that they are serving gifted students to provide services that are either accelerated or supported at minimum levels by qualified gifted intervention specialists.** Too many districts indicate that gifted students are being served, even though the services provided are undefined levels of differentiated instruction from a classroom teacher with minimal training in gifted education and without support from a gifted intervention specialist. This is no more than a cynical attempt to increase service numbers to gain input points on the gifted performance indicator. Beyond the inherent ethical questionability of this practice, it greatly hinders the determination of whether and which gifted services have the greatest effect on gifted student performance. If anything can be called service, then nothing is service. While the new gifted operating standards should help address these issues, the law should be strengthened to ensure that reported gifted services are meaningful.
5. **Ensure that any changes to district report cards maintain the gifted performance indicator.** The indicator should be changed to increase emphasis on identification of and service to underrepresented student populations, with changes to how minority populations are defined. Changes to the value-added scores and the gifted performance index should also be explored along with revisions to how points are allocated to districts with smaller populations of minority and economically disadvantaged students.

Other Concerns

The OAGC recommends that a taskforce be created to address the gifted equity gap in Ohio, which is severe. Ohio, in general, has an equity gap between gifted students who are economically disadvantaged and those who are not. Economically disadvantaged students are less than half as likely to be identified as gifted as their non-economically-disadvantaged peers. Even worse, Black and Hispanic students are only 36% as likely to be identified as gifted as their non-Black, non-Hispanic peers. In addition, Ohio's gifted rural students are falling behind on almost every measure. They are less likely to be identified or served. They are less likely to receive services from qualified gifted education professionals, and funding for gifted education in rural districts is inadequate. Cultural norms in some rural areas do not support gifted students. Funds for ESC gifted units should be increased to support rural areas that are vastly underserved. Finally, funds should be allocated to develop solutions to combat the equity gap in all districts as well as rural gifted initiatives.

The supplemental endorsement license Option B provision should be removed. In 2018, the ODE allowed districts two options to assign teachers without the appropriate licensure or endorsement into various roles, including gifted intervention specialist. Option A of the supplemental licensure requires that the teacher receive the appropriate coursework for the license or endorsement. Option B, however, requires no coursework and currently has few or no controls on the quality of how the teacher would acquire the knowledge appropriate to their assigned role. The OAGC objects to the use of Option B for supplemental endorsement as bad policy for students and teachers forced into these roles with little to no expectation that they will receive appropriate training.

The OAGC requests that the General Assembly remove or revise the provision that allows “qualified” administrators to serve as gifted coordinators. In many districts, this provision has been misinterpreted to mean that anyone can be a gifted coordinator. This provision has undermined even the minimal level of support that gifted children receive in many districts, where few individuals have training in gifted education. Presently, entire counties in Ohio lack access to licensed gifted coordinators. Not surprisingly, districts in these counties lag in providing services to gifted students, whose performance is suffering as a result.

The ODE gifted assessment reviews must include appropriate gifted reviewers. Until 2018, gifted assessments were reviewed by individuals outside the ODE with specific gifted assessment knowledge. The elimination of these outside reviewers in 2018 resulted in a list of approved gifted assessments that was limited. Particularly disturbing was the inconsistent use of scoring rubrics, which allowed for assessments with low reliability scores to be approved for use as gifted identifiers. The OAGC believes that gifted assessments should be reviewed by experts in the field and used at the district level as they had been prior to 2018.

The OAGC requests Changes to College Credit Plus (CCP). The OAGC is concerned about certain of the changes regarding College Credit Plus in 2018, particularly with regard to new restrictions on student access to the program. Specifically, the OAGC is concerned with the following:

- The inability of parents to appeal to the State Board of Education any local school district's decision to prohibit the student from participating in CCP after the deadline.
- Restrictions on access to certain courses as determined by rules developed by the Ohio Department of Higher Education (ODHE), when institutions of higher education (IHEs) already have full latitude to implement common-sense restrictions through prerequisites and program admission requirements.

Furthermore, the OAGC seeks to clarify existing ORC language that we believe the ODHE has misinterpreted and has thereby directed IHEs and districts to act counter to ORC § 3365:

- Despite inclusion within the CCP statute of Option A, (ORC § 3365.06(A)) offering families the opportunity to self-pay CCP tuition, fees, and books, the ODHE deems courses paid for by families as “outside of CCP,” forcing public IHEs to charge a higher, non-CCP tuition and stripping students of crucial components of the program, such as weighted grades and the application of the course toward graduation requirements. Families whose funding from the state is limited have no choice but to self-pay for courses in order to take full advantage of the program.
- Despite the requirement in ORC § 3365.04(E) to weight CCP course grades and to rank students identically with the highest weight awarded by the school for honors or other advanced standing courses, the ODHE has directed districts that they need weight only *some* CCP courses.

Additionally, the OAGC is concerned that although the ORC stipulates that CCP courses must be nonsectarian, there was an oversight in failing to stipulate that CCP admission procedures and continuing enrollment requirements *also* be nonsectarian so that students are not subjected to religious discrimination.

The OAGC is also concerned that the current rules developed for CCP prohibit students from taking more than 30 college credits per year, with a cumulative limit of 120 college credits. This unfairly penalizes 7th- and 8th-graders who are accessing CCP. Also, some college programs require more than 120 college credits. Finally, the OAGC believes that there are not enough funds for nonpublic and homeschooled students to meet the demand for CCP courses. In addition, many public-school students will be unable to afford CCP fees to private colleges and universities. Even students not meeting the threshold for free and reduced lunch may find it difficult to pay the ceiling amount per credit hour, especially if those students are taking multiple courses each semester. **The OAGC recommends removal of the language rescinding the ability of parents to appeal to the State Board of Education a district decision on CCP participation and that which restricts access to courses. The OAGC recommends that language be added to clarify that (1) all participant-paid courses that fall under Option A shall follow all other Option B CCP procedures, including a requirement that the IHE charge the same rate normally charged to districts under Option B; (2) grades and class rank for *all* academic CCP courses shall be weighted identically with honors and/or advanced standing courses; (3) all IHE CCP admission procedures and ongoing enrollment requirements shall be nonsectarian; and (4) rules shall not impose a cumulative limit on credits earned. The OAGC also recommends that increased funds be allocated to ensure that all students have full access to CCP, including nonpublic students, homeschooled students, and public-school students who wish to access private college CCP courses. The OAGC remains opposed to charging students for CCP courses or textbooks and to any restrictions on students’ taking courses off the high school campus.**

The OAGC requests that funding be allocated to hire and support appropriate gifted staff at the ODE at the Ohio Department of Education. The ODE has very few staff to support districts in the area of gifted education in Ohio. There are three full-time ODE gifted staff, and the workload is well beyond their capacity to complete. Gifted students make up 16 percent of the student population. Because of drastic cuts in gifted staff across the state, districts need more

support from the ODE. The ODE must be able to audit district compliance and develop best-practice models that are desperately needed by districts.

The OAGC's Gifted Education Policy Positions

- ✓ **Develop Regional and Alternative Opportunities Particularly in Rural Areas.** Fewer districts are offering gifted services to students. Because districts are not required to meet the needs of gifted students, many children waste precious time, as well as state and local tax dollars, sitting in classrooms that deliver material at a level and pace that is inadequate for them. Many of these students are unable to advance to the level that is appropriate for them because districts fear losing their grade-level assessment scores. The time has come to develop other public-school opportunities for these students.
- ✓ **Establish county or regional gifted magnet schools.** Educational service centers, joint vocational schools, and interested school districts and universities should be allowed to develop gifted magnet schools that students in the region could attend. The OAGC supports the House provision to conduct a feasibility study on establishing 16 gifted regional schools, but also believes that Straight A funds could be used to help establish these schools in the second year of the biennium.
- ✓ **Expand community school opportunities for special-needs students.** Community schools for special needs populations, including gifted students, should be allowed in any county.
- ✓ **Expand open enrollment.** Gifted students should be allowed to enroll in other districts if their own district does not offer them gifted services.
- ✓ **Allow vouchers for gifted students.** There are often few or no options for gifted students whose needs are not being met in their home district. Ohio should consider allowing vouchers for gifted students when districts are unable or unwilling to provide appropriate services.

Use Innovative Techniques to Reach More High-Achieving Students. Ohio is behind in several areas that have been extremely effective in building highly skilled workers, particularly in STEM.

- ✓ **Provide funds to support gifted student initiatives.** Because gifted students represent 16 percent of the student population in Ohio, but only 54 percent of this population is served, it would make sense that a certain percentage of the proposed innovation fund be used to finance initiatives to support gifted children: for example, the development of gifted regional schools, gifted online programs, accelerated programs within districts, and collaborative programs using business, universities, and other entities in creative ways to serve gifted children.
- ✓ **Create a virtual gifted middle/high school.** Access to high-level coursework is particularly difficult in smaller schools and more rural areas. Ohio gifted students could benefit from a state-supported virtual middle/high school or supported access portal in which high-level courses approved by the ODE could be provided to students regardless of location.
- ✓ **Develop a math/science residential high school for high-achieving students.** More than 15 states have residential high schools, and research on these schools has shown their effectiveness in developing and retaining math and science talent within the state. Indiana, Illinois, Kentucky, and Tennessee all have residential STEM high schools. Ohio is behind the times in this area.
- ✓ **Develop summer programs for gifted students particularly in the area of visual and performing arts and creative thinking.** Students identified in the visual and performing arts and creative thinking are very poorly served across Ohio. Summer programs could be supported at universities or by other consortia to serve these students outside the school year. The Summer Honors Institutes that were defunded in 2010 should be reestablished.

Remove Barriers for Students to Reach Their Potential. As Ohio moves to educate students to compete in the world economy, it is critical that a number of policy provisions be enacted to ensure that all students can move ahead to fulfill their potential. To that end, the OAGC recommends that Ohio undertake the following initiatives:

- ✓ **Require services and appropriate staffing.** Providing appropriate educational opportunities for gifted children can no longer be optional. Gifted students often spend a disproportionate amount of their school day reviewing information that they learned long ago. Artificial boundaries must be removed for these students. For Ohio to be competitive, gifted children must not be held back.
- ✓ **Develop a grouping policy.** Research has long recognized instructional grouping as one of the most educationally and socially effective and cost-efficient methods to support gifted children. The ODE should be required to develop a statewide instructional grouping policy for districts to adopt.
- ✓ **Provide teacher and administrator preservice training.** To fully prepare all educators to support the needs of gifted children in the classroom, the OAGC recommends that all classroom teachers receive preservice training in gifted education. Even though the Ohio Revised Code requires all teacher preparation programs to include some gifted training for all preservice teachers, very few programs actually comply with the law. Ideally, all educator preservice programs, *including those for administrators*, would provide, at a minimum, a three-credit-hour course, taught by a professor or instructor with graduate-level expertise or training in gifted education, to address
 - ✓ knowledge of the nature and needs of gifted children, including social and emotional aspects;
 - ✓ knowledge of the laws and administrative rules regarding the identification of gifted children;
 - ✓ understanding of the common myths and misconceptions surrounding gifted children, including those that tend to discriminate against children who should be referred for assessment but frequently are not;
 - ✓ the ability to use strategies to adjust the depth, breadth, and pace of curricula through appropriate methods of differentiated instruction, appropriate grouping, pre- and postassessment, and acceleration; and finally,
 - ✓ the ability to understand that a gifted intervention specialist or coordinator should be consulted when a gifted student's needs exceed what the classroom teacher can meet.

For details on this paper and other gifted education issues, please contact Ann Sheldon, OAGC executive director, at 614-325-1185 or anngift@aol.com.