



OAGC Preliminary Review of the July, 2016 Draft of Proposed Gifted Operating Standards
August 26, 2016

The proposed gifted operating standards in the draft dated July, 2016 includes important improvements over the previous draft from September, 2015. However, OAGC has identified several areas of major issues as well as some minor areas that should be improved or more clearly defined. We are particularly concerned about what appears to be the institutionalization of the increasingly common practice of warehousing gifted students in general education classrooms and labeling them served by general education teachers who have little to no gifted training. This practice undermines the efforts of districts attempting to provide true service and, most importantly, hurts the most vulnerable gifted students in Ohio. This memo outlines areas of positive change in the latest draft as well as the work yet to be done to ensure that Ohio creates operating standards to best serve gifted children in Ohio. In addition, OAGC has several questions for ODE in terms of clarifying intent of specific language.

Positive Changes by Section

1. **General definitions** – This section has largely been reinstated, which provides additional clarity to the standards.
2. **Identification** – In general, this section is well-defined and the change of grade bands for whole grade testing with defined areas to be tested is a positive and practical improvement. There could be some potential for small areas of improvement in this section, but overall this section constructed well.
3. **Service** – This section has improved from the September, 2015 draft in that various service settings are outlined. However, OAGC has grave concerns regarding the use of general education model and the cluster grouping definition. The operating standards provide little to no guidance in how the models are to be implemented and appear to legitimize the practice of providing service in name only in general education classrooms. The Honors and single subject class areas also need to be more clearly defined. Finally, OAGC questions the removal of past language regarding appropriate differentiation, case loads, and waivers.
4. **Personnel** – This section has also seen some improvements from the September, 2015 draft. There are actual definitions of gifted personnel for districts, which is a positive change. However, OAGC believes that unless there are more specific parameters around general education training, general education teachers will not be provided with the knowledge they need to offer sufficient instruction and support to gifted children. Allowing staff without gifted licensure/endorsement to provide training is absolutely inappropriate. OAGC has provided two solutions to this issue outlined in our position paper on [Gifted HQPD](#) (Highly Qualified Professional Development). These recommendations should be incorporated into the draft.
5. **Written Education Plan (WEP)** – This section includes a provision that directs districts to attempt to obtain a parent signature, which OAGC supports. However, allowing non-licensed or endorsed personnel to serve as support in this process is inappropriate. This section could also

include more specific language about what should be included in the WEP so that these documents are not merely meaningless check lists.

6. **Funding and Accountability** -- These sections are improved over the September, 2015 draft in that they exist, but there are many improvements that could be made in these two sections. Curiously, given the amount of committee discussion over outputs, no gifted outputs are defined in measuring district success in providing gifted services in these operating standards. The establishment of innovative service proposals is intriguing but needs to be better defined and controlled. Perhaps, the Gifted Advisory Council should oversee this process rather than or in addition to ODE.
7. **Gifted Advisory Council (GAC)** – This new section providing for the establishment of a Gifted Advisory Council is a welcome change. OAGC would like to see more parameters around the roles and duties as well as the makeup of the council.

Major Areas Needing Improvement

1. **Service Section** –OAGC has serious concerns about multiple areas in this section.
 - a. **Poorly defined general education models** – Sections (D) (3) (e) and (D) (3) (f) and (D) (3) (b) -- OAGC's major objection in this section is with regard to the poorly defined cluster grouping definition and general lack of defined parameters for what constitutes instruction in the general education classroom. As written, this model will undermine the provision of true gifted services. The July, 2016 draft merely states that "(c)luster grouping where a small group of students who are gifted is deliberately pulled together in a classroom." Current operating standards language indicates that in this setting gifted intervention specialists are providing the service or the curriculum is above grade level, which is appropriate. The new draft language essentially "blesses" the growing practice of many districts that report gifted students as served in the regular classroom even though there is no change in content, instruction, or support. OAGC strongly recommends language that requires content/instruction changes, general education teachers with adequate levels of gifted training, and specified levels of on-going support from gifted intervention specialists/gifted coordinators.

OAGC has similar concerns with regard to Honors courses and single subject courses, which are undefined in terms of the parameters needed to ensure that a true service is being offered. Unless there are guidelines indicating that the Honors or single subject course contain advanced content above the general course offered, these options could be a meaningless service options as everything can be called an "Honors" course. OAGC recommends additional language indicating that the course must be differentiated from the regular course offered by advanced and/or accelerated content and instruction and a syllabus clearly modified and more advanced than the general education version of the course. We are also concerned that the co-teaching model removes the specifications that one of the teachers is a gifted intervention specialist.

- b. **Service settings and appropriate service providers** -- OAGC recommends that in Section (D) (3) (a) – (D) (3) (m) that the standards specify which service settings can be provided by a non-gifted licensed/endorsed teacher and what supports are required for each setting. For example, in the standards currently in place, the single subject setting specifies that the GIS is the teacher of record. The new draft doesn't specify who can

provide the service and under what condition. Again, this will lead to confusion at the district level about appropriate service settings and providers.

- c. **Caseload parameters and minimum time of instruction** – Section (D) (2) and (D)(3) (d) and other areas throughout (D) -- There are several issues regarding caseloads and minimal instructional time that trouble OAGC. First, OAGC believes the caseload ratios and minimum minutes of services in the current standards are more appropriate to this special needs population. However, if the State Board of Education is unwilling to support this, the language for (D) (3) (d) needs to be more clearly defined. The maximum class size of twenty should also apply to self-contained rooms and possibly single subject instruction. In addition, the minimum percentage of time receiving service should also apply to general education service settings where gifted intervention specialists should be providing supporting services including but not limited to the cluster grouping and co-teaching models. Finally, the language indicating that a pull-out/resource room have a “maximum caseload of 80 students *who are gifted*” could allow additional students who are not gifted to be placed in these settings as well.
2. **Personnel Section** – OAGC believes this section may be the most in need of change. There are two significant issues:
 - a. **General educator preparation** – Section (D) (7) (b) -- While more defined than the September, 2015 draft, the practical effect of using the district-controlled Individual Professional Development Plan (IPDP) to drive appropriate training likely will result in the same low-quality, minimal professional development by non-trained gifted staff that we see in many Ohio districts currently. OAGC surveys in this area show that the vast majority of general education instructors providing gifted services in the classroom are provided fewer than five clock hours of training. In addition, this training is not always appropriate to gifted students nor is it provided by trained gifted professionals. The draft operating standards will not help to remedy this situation. This is not necessarily a case of districts skirting the rules due to negative intent. This is a case of district administrators who simply do not know what they do not know about gifted education. OAGC has provided fully-formed, research based, best practice solutions on this issue in our position paper on [gifted HQPD](#). These recommendations include the development of a gifted certificate for general education teachers or a three-year outlined curriculum of professional development based on national standards and best practice. This section, as currently written, is inadequate as the parameters to drive quality training are incredibly weak.
 - b. **Allowing unlicensed gifted personnel to train general educators** – Section (7) (b) (iii) – Allowing non-gifted licensed/endorsed individuals to provide gifted professional development is beyond inappropriate. OAGC strongly objects to this provision and recommends that it be eliminated.
 3. **Written Education Plan (WEP) Section** – Section (E) (1) – As with OAGC’s concern about non-gifted licensed/endorsed staff providing gifted training, we strongly object to the language indicating that non-gifted licensed/endorsed staff can provide assistance writing WEPs and providing training. This language needs to be eliminated.

4. **Funding/Accountability** – Sections (F) and (G) -- While these sections are an improvement over the September, 2015 draft, there is still very little to hold districts accountable for the appropriate spending of gifted funds and providing services to gifted students. Interestingly, there are no outputs defined in the accountability section for gifted students even while Ohio Revised Code (ORC) requires remediation be provided to districts that fail to meet gifted performance measures. OAGC believes this section should be more fully defined and have offered many recommendations in the past that would help to do so. In a past draft, the districts were to provide an annual report to describe the effectiveness of their services. This should be included in the current draft and include at a minimum, the number of licensed gifted personnel in district, the number of general educators providing services, the level of professional development provided, how much funding is spent on gifted identification and services, and the services offered by grade band.

OAGC is currently developing specific recommended language to address the above concerns.

Other Changes/Clarifications by Section

1. Identification Section

- a. Section (C)(2) – Consider including language stating that, while community schools are generally exempt from the gifted law and rule, community schools claiming to identify and providing gifted services must notify ODE and must identify and provide services in accordance with the rule.
- b. Section (C) (2)(b) (iii) – Define “acceptable.”
- c. Section (C) (3) (b) (iii) (a) -- Parental referral should also include the term “guardian.” Should other significant members of the student’s life (e.g. church or scout leader) also be allowed to make a referral?
- d. Section (C) (2)(c) (iv) – The intent of this is admirable but testing in a student’s native language (particularly if he/she has had little or no formal education in his/her native language) is not always best. Perhaps language such as “unless the student or a parent or guardian requests to be tested using an English-language instrument” could be included. Also, districts may struggle to find approved instruments in languages other than English and Spanish, so perhaps there should be language allowing a non-verbal test be used if one is listed on the state approved list if no approved instrument is available in the student’s preferred language.
- e. Section(C)(3)(d) – A district may contract with an outside firm to contract with “qualified” public or private screening and assessment services. The term “qualified” should be more clearly defined.

2. **Service Section** – Section (D) (5) needs to be modified to indicate that only services paid for by the district should be reported as required by ORC.

3. **Written Education Plan (WEP) Section** - Section (E) (c) – “Reasonable attempt” should be further defined.

4. Funding Section

- a. Section (F) (3) – Change "with appropriately licensed and qualified gifted staff" to "with appropriately **gifted** licensed and qualified gifted staff..."

- b. Section (F) (3) – Restore language indicating that gifted units at ESCs that are funded by the state should be full-time in that role.

Questions of Clarification

1. **Definitions Section** – Section (A) (4) – The term “trained individual” defined as a professional in the arts is also used in (2) (c) (i) which indicates who can use assessment instruments and Section (C)(3) (c) regarding outside district testing. Neither reference appears to be specific to visual and performing arts. Does this need to be clarified?
2. **Personnel Section** – Section (D)(10) – It is not entirely clear exactly how gifted personnel, particularly gifted coordinators, are accountable through OTES.
3. **Innovative gifted service proposals** – Section (H) -- Are these proposals that may be outside the guidance of the operating standards? Are these essentially waiver requests? Should the gifted advisory council be part of this evaluation? Can all districts submit a proposal – even those that are not serving gifted students well? Should there be set criteria for districts that may apply?
4. **Accountability** (G) (2) - What is the frequency of each type of audit: onsite, desk, and self reviews? If the self review is equivalent to the current self report, this is not an appropriate substitute for and audit or ODE review. Also, why are the audits (as specified in ORC) now being referred to as “reviews?”
5. **Gifted Advisory Council** -- What is the makeup of this council and how are members selected? Should there be a clause indicating that the role “includes but not be limited to” to ensure there is some flexibility on how the council can be used?

For any questions regarding this memo, please contact OAGC Executive Director, Ann Sheldon at anngift@aol.com or 614-325-1185.