

Summary of Changes in the October 30, 2013 Gifted Operating Standards Draft  
from the October 7, 2013 Draft Presented and OAGC's Concerns

**Red** – Indicates major objection to the change

**Yellow** – Indicates concern about the change

**Green** – Indicates approval of the change

**Blue** – Indicates technical change needed

1. **Removes the following language from ORC:** (Page 2) “For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advice and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.” OAGC supports this language as a reminder of the state board’s obligation to gifted children and would prefer to keep this language in the draft.
2. **Removes protection of minimum operating standards for gifted students who are not served.** (Page 2 – (B) (1)) -- This changes means no identification standards would be in operation and that **all minimum operating standards** would not apply to unserved gifted students, which is discriminatory. OAGC believes this is a technical error from the Sept. 5<sup>th</sup> draft that was never corrected. **Also the Jones 10.30.13 draft removes language from ORC ensuring that achievement levels of higher achieving students will not be suppressed in an attempt to close the achievement gap.** OAGC would prefer to keep this language in the draft.
3. **Page 5 – Adds a list of detailed services likely to be provided to the student.** Note: while the language does not truly indicate what services a student will be provided, OAGC supports the intent of the language.
4. **Page 7 – Adds language that ODE will publish a list of assessments and that districts will recognize qualifying scores from any assessments on the list.** Note: OAGC does not object to these changes. They were previously included in the September 5<sup>th</sup> draft. **However, it is now included twice: once in (4) (a) and again in (e). It is not clear whether it was supposed to be repeated or not as the “approved” has been substituted for the word “exemplar.”**

The Jones’ 10.30.13 draft appears to be largely based on the September 5<sup>th</sup> draft so a direct comparison with the October 7<sup>th</sup> draft and existing standards is very difficult beyond the identification section. Here are a summary of other changes of note and a summary of OAGC’s support, opposition, questions and concerns:

5. **WEP – Adds parent explanation of the student’s performance from the previous year and a comparison to the stated goals in the WEP.** (Page 9)– OAGC supports this provision.
6. **Instructional Settings** – (Pages 9-11) -- Removes general education settings taught by general educators. Note: While OAGC is generally supportive of the intent of this change, we believe that different language would be helpful to ensure that some options need additional clarity. Some of the language from the September 5<sup>th</sup> draft should be reincorporated (e.g. additional above-grade level general education settings) with some possible changes.
7. **Instruction** – Question on page 14. Everything is deleted in this section except for guidance. Was this also meant to be deleted? Is there a need for it as social/emotional supports are included in the WEP on page 12?
8. **Service plans required in ORC** (page 15) are removed from the operating standards on page 15 of the draft. JCARR may have issues with the removal of this language.
9. **Personnel** – (Pages 15 – 16) References to intervention specialist need to all be changed to gifted intervention specialist or intervention specialist for gifted education. Otherwise, we could be referring to intervention specialists for students with disabilities.
10. **Personnel –Limits the minimum minute requirements to June 30, 2015** (page 16) OAGC is highly opposed to this limitation. Without some parameters for service in place until all outputs can be fully developed and reviewed, we will allow our gifted students to be short-changed with service levels that could be essentially meaningless. OAGC proposes that the state board maintain the parameters outlined in the draft without a sunset provision. In addition, the board should pass a resolution to review this issue once outputs have been in place for two years and reviewed for effectiveness. **In the October 30 draft there also appears to be some inadvertent removal of caseload ratios for various options, which should be corrected.**
11. **Role of the Coordinator** (Page 17) – The role of the coordinator is optional even though there is specific funding for coordinators. OAGC does not support the optional use of gifted coordination. We prefer the language from the October 7, 2013 draft that states: “Each district shall provide for coordination of services from professional personnel possessing gifted licensure. Coordination of identification and services to gifted students by qualified personnel may be obtained through agreements with other districts or educational service centers.” This language does not specify levels of coordinator services.
12. **Adds a new criteria for a coordinator to evaluate gifted intervention specialists and general classroom teachers who serve gifted students if the coordinator has appropriate licensure.** (Page 17) Does this include AP teachers etc.? Is this appropriate? OAGC is not necessarily opposed to this provision.

**13. Funding – All funding rules are eliminated which OAGC highly opposes.** (Page 19) OAGC believes that the PUCO v. Controlling Board case of 1935 is not relevant to the current situation. In that particular case, an administrative body was trying to compel the controlling board to provide funding for a line item that a governor had vetoed. In the case of Governor Kasich's veto, the gifted funding formula along with the allocation and other language related to subgroup funding accountability in HB 59. This intent was verified by a letter from the Chairman of the House Finance committee in October. There was no need for the General Assembly to override the governor's veto as there was still sufficient language in ORC to compel the state board of education to implement the gifted formula with integrity. Having said that OAGC is willing to work on compromise language that would address Governor Kasich's concerns about regarding specific levels of staff to be hired while still upholding the letter and intent of the law that gifted funds in the way the funds were intended to be spent.

14. **Local Accountability** – (Page 20) Removes the language from ORC that allows ODE to reduce funds to districts for non-compliance. There is no reason for the removal of this language. Without this statement in the operating standards, ODE will not use this tool to compel districts to act in accordance with the law regarding the identification and services of gifted students. In addition, OAGC would also like to see some corrective language and additional specificity on information provided about general educators providing services to gifted children including level of on-going assistance from gifted intervention specialists and gifted coordinators. OAGC would also like ODE to have some ability to ask for additional information as needed on the district reports to support state policy initiatives.

15. **Waivers** – (Page 21) OAGC has some questions and major concerns about what can be waived in these operating standards. Can identification be waived? Can reporting be waived? Can the WEP be waived? Can the use of personnel with no gifted credentials serve as gifted staff be waived? OAGC would like see some additional level of specificity with regard to this section. Also, three years is too long for districts performing at below "A" grade level before a waiver is pulled. In addition, districts that perform at a D or F level should have their waiver pulled at any year. While OAGC is not necessarily opposed to the concept of an automatic waiver, the current language in Jones 10.30.13 draft needs some modification.

16. **Typos** – There are a small number of small typos and numbering errors that should be corrected.