

## ODE Gifted Rule Input Survey Guidance

ODE has opened a survey to ask for input on the proposed gifted standards. Unfortunately, the questions asked in the survey appear to be designed to construct a pre-determined narrative which would support the proposed rule changes. Gifted advocates have asked OAGC for advice on how to respond to the questions in a way that would advocate for the changes necessary to support appropriate services and staffing for gifted children. While OAGC strongly urges advocates to use their own experiences and expertise to answer the questions, we are providing some guidance on how to answer the specific questions in a way that will help ensure that advocates are not “trapped” by the bias of the questions. As there is space after each question to provide specific input, please do so. Please also express your displeasure with the nature of the survey itself. Below, please find a list of the ODE survey questions along with a brief statement of OAGC’s concerns and recommendations. For a draft of a very detailed response of each concern and recommendation by priority, please go to <http://www.oagc.com/files/DraftOAGCResponseto9.11.15ProposedRuleChanges.10.21.15.pdf>

. The link to the ODE survey is <https://www.surveymonkey.com/r/8QKLLFR> . Input will be taken until 5:00 pm on Friday, November 6, 2015. It is important that as many gifted advocates as possible provide input. It is equally important to write email state board of education members. If you have questions, please contact Ann Sheldon at [anngift@aol.com](mailto:anngift@aol.com).

### **Identification and General Definitions Survey Questions:**

“The proposed rules provide the guidance needed to support identification of gifted students.” **OAGC disagrees.**

“The proposed rules clearly define opportunities for identification of students as gifted.” **OAGC disagrees.**

**OAGC concerns:** The specific general language that currently exists in the current operating standards has been removed. This language is necessary to ensure that districts follow best practice and meet the letter and spirit of ORC. Whole grade testing has been expanded which OAGC supports, however the language can be improved to improve testing in early grades in a more effective and efficient way to support the identification of under-represented student populations.

### **OAGC recommends the following:**

1. Revise the whole grade testing from K-3 to K-2 and limit the testing in this initial grade band to superior cognitive ability and specific academic areas of math and reading. In addition, incorporate the deleted elements from the identification section that are required in ORC and which exist in the current operating standards.
2. Reinstate general identification and service definitions as outlined in current operating standards 3301-51-15 section A to provide clarity to districts.

### **Service Survey Questions:**

“The proposal rules provide flexibility in how districts may serve gifted students.” **OAGC neither disagrees nor agrees. The proposed rule obliterates all standards of quality service so it is impossible to answer this question.**

“The proposed rules clearly describe standards for the quality and extent of gifted services.” **OAGC strongly disagrees.**

**OAGC concerns:** The proposed rule eliminates all quality parameters for service including caseloads, minimum levels of service, and even the definitions of service itself. There are currently 22 EMIS codes with a wide-variety of service options for gifted students. These draft standards would limit the options to three and essentially destroy any ability to determine which services are effective and which are not. Services could be as little as 15 minutes a week taught by a general education teacher with no gifted training. In addition, the proposed rule eliminates gifted staff qualifications in the current rule which are based on national and state licensure standards in favor of “district-determined criteria.” ODE does not allow this for any other student population. This will effectively eliminate trained gifted staff in many districts in favor of general education teachers who will be provided with so-called high quality professional development. Recent survey data indicates that for most general education teachers this amounts to fewer than five clock hours per year. The proposed rule would allow districts to define services, define who is qualified to provide services and thereby allow districts to substantially define their own output that measures their performance. It turns the gifted performance indicator into a useless measure, but more importantly it undermines any standards for appropriate services to a vulnerable population. The end result disempowers parents and the general public to determine which districts are providing effective gifted services.

**OAGC recommends the following:**

1. Reinstate minimum service minutes for students from current operating standards along with caseload limits.
2. Reinstate and more carefully define service and instructional settings as provided in the current standards.
3. Remove the provision that allows poorly or untrained general education teachers to provide service unless it is an accelerated classroom.
4. Reinstate gifted coordinator and intervention specialist qualifications from current standards for both districts and ESCs and ensure that all gifted instructors are provided high quality professional development.
5. Increase the scope and depth of the written education plan and a reasonable attempt to require parent signature. Also, require that a gifted coordinator or gifted intervention specialist collaborate on the writing of WEPs.
6. Reinstate instruction time requirement for gifted intervention specialists from current standards.

**Funding Survey Questions:**

“The proposed rules outline the district obligation to report on funds that support gifted education annually.” **OAGC neither agrees nor disagrees. The survey fails to ask the real question of whether the district is expending funding appropriately on gifted students as required by ORC.**

“Gifted staff qualifications for educational service centers that receive gifted unit funding are clear.” **OAGC again neither agrees nor disagrees. The survey fails to acknowledge that gifted staffing qualifications are eliminated for districts.**

**OAGC concerns:** Funding accountability is referenced several times in O.R.C. including sections 3301.07, 3317.022, 3317.051, and 3317.40. Taxpayers and parents have a right to know that the funds allocated for this population are being spent to serve them. Gifted children become the educational paupers when funding intended to further their education is reallocated to other programs. It sends a distinct message that serving these students is not a priority for Ohio. If funding is not addressed, JCARR may reject this rule

given the letter of legislative intent on this issue from Ohio House Speaker Pro Tempore, Rep. Amstutz, who verified that funding for gifted students should be spent on gifted students.

**OAGC recommends the following:**

- Incorporate funding parameters to ensure gifted earmarked funding as stated in Ohio Revised Code (ORC).

**Accountability Survey Questions:**

“Requirements for submission of annual plans and reports set clear expectations for identification and services for services in the proposed rules.” **OAGC strongly disagrees.**

“Components of the gifted indicator and the use of the indicator in the annual district report card are essential to evaluation of gifted education services as outlined in the proposed rule.” **OAGC strongly disagrees. As the proposed rule renders much of the gifted indicator useless, there will be no true evaluation of gifted services in the proposed rule.**

**OAGC concerns:** The proposed rule eliminates ODE gifted audits and ORC language that allows ODE to remove funding for non-complaint districts. In addition, there are no provisions to allow ODE reconstitute gifted services in districts that are chronically failing gifted students as required in ORC. Finally, the proposed rule sharply limits the output gifted measures with which to hold districts accountable. ODE is out of compliance with the agencies statutory duty to perform gifted audits. This should be an issue for the auditor of the state to review. The proposed rule eliminates most of the tools that ODE has used in the past or could use for districts that are out of compliance with gifted laws and rules. The proposed rule disempowers both the State Board and ODE to a point where neither body will be able to meet their responsibilities to provide leadership on gifted education issues and stewardship of state fiscal resources.

**OAGC recommends the following:**

1. Reinstate provisions that require ODE audits and allow ODE to remove funds of non-compliance from current standards, as stipulated in ORC.
2. Incorporate data collection on specific inputs to determine effect of services. In addition, the results of the gifted performance indicator should be incorporated into an annual report outlining the condition of gifted education in the state without limiting the gifted performance indicator to the current elements.
3. Reinstate service and staffing requirements that are in current the operating standards as stated in the service section. With the reinstatement of service and staffing parameters, incorporate waivers on the basis of performance on multiple measures including but not limited to the gifted performance indicator. In addition, include language from ORC that allows ODE to remediate and reconstitute gifted services in districts that are chronically failing gifted students.
4. Reinstate the district service plan as required by ORC.