

**OPERATING STANDARDS FOR
IDENTIFYING AND SERVING
GIFTED STUDENTS WHO ARE
GIFTED**

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

March 2008

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Note:

Yellow highlighted text represents proposed rule language change based on public feedback discussed at the September meeting of the Achievement Committee.

Blue highlighted text represents an additional change made as of 10/13/16 based on the public comment received prior to the September meeting.

3301-51-15 Operating standards for identifying and serving ~~gifted~~ 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, 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.
- ~~(2) The district may incorporate any or all identification and service plans for students who are gifted into the district's comprehensive or continuous improvement plan.~~

(C) Identification

- (1) Definition

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

- (a) A ~~child~~ student shall be identified as exhibiting "superior cognitive ability" if the ~~child~~ 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 ~~child~~ student shall be identified as exhibiting "specific academic ability" superior to that of ~~children~~ students of similar age in a specific academic ability field, if, within the preceding twenty-four months the ~~child~~ 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 ~~child~~ student may be identified as gifted in more than one specific academic ability field.
- (c) A ~~child~~ student shall be identified as exhibiting "creative thinking ability" superior to ~~children~~ student of a similar age, if within the previous twenty-four months, the ~~child~~ 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 ~~child~~ student shall be identified as exhibiting "visual or performing arts ability" superior to that of ~~children~~ 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) ~~District identification plan~~ Testing/assessment

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

~~(a) The 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) A list of the approved instruments and checklists will be established and published by 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 gifted children;~~

~~(ii) Acceptable scheduling procedures for screening and for administering assessment instruments for identifying gifted children. These procedures shall provide:~~

~~(a) In the case of children who have requested assessment or who have been recommended for assessment by teachers, parents, or other children, at least two opportunities a year for assessment;~~

~~(b) Assurance of inclusion in screening and assessment procedures for minority and disadvantaged students, children with disabilities, and children for whom English is a second language; and~~

~~(c) Assurance that any child transferring into the district will be assessed within ninety days of the transfer at the request of a parent;~~

~~(iii) Procedures for notification of parents within thirty days of receipt of assessment~~

results about:

~~(a) The results of any screening procedure or assessment instrument, and~~

~~(b) The provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a child in any program or for receipt of services; and~~

~~(iv) A commitment that the district will accept scores on assessment instruments provided by other districts or trained personnel outside the district, provided the assessment instruments are on the list approved by the department of education under section 3324.02 of the Revised Code.~~

~~(a) 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.~~

~~(b) The district shall accept assessment results from other districts or from trained personnel outside the district, as equivalent to district testing as set forth in paragraph (C)(1) of this rule (identification) and may not exclude a child 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)(1) of this rule (identification). Districts shall not alter eligibility through any consideration or computation other than as set forth in paragraph (C)(1) of this rule (identification).~~

~~(b-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. 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) Screening/identification-District identification plan

The board of education of each district shall adopt a statement of its policy plan as specified in section 3324.04 of the Revised Code for the screening and identification identifying students of children who are gifted and shall distribute the policy statement to parents. The policy statement shall specify:

(a) The criteria and methods the district uses to screen children and to select children 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; 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 sources of assessment data the district uses to select children for further testing and an explanation for parents of the multiple assessment instruments required to identify gifted children under section 3324.03 of the Revised Code; 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) An explanation for parents of the method the district uses to ensure equal access to screening and further assessment by all district children, including minority or disadvantaged children, children with disabilities, and children for whom English is a second language; 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) Provisions to ensure equal opportunity for all district children identified as gifted to receive any services offered by the district; 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) Provisions for children to withdraw from gifted programs and services, for reassessment of children, and for assessment of children transferring into the district; 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.~~
- ~~(f) Methods for resolving disagreements between parents and the district concerning identification and placement decisions; and~~
- ~~(g) 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.~~

~~(4) Testing/assessment 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) Districts shall select screening and identification instruments from the department of education's approved lists for inclusion in their district's plan. Assessments must measure the specific area(s) of gifted ability. 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)(3)); 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. The district shall ensure that the use of evaluation instruments:

 - ~~(i) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;~~
 - ~~(ii) Have been validated for the specific purpose and populations for which they are used; and~~
 - ~~(iii) Are administered by qualified personnel in conformance with the instructions provided by their producer.~~
- ~~(c) The district shall select instruments, from the approved list, that will allow for appropriate screening and identification of minority or disadvantaged children, children with disabilities, and children for whom English is a second language.~~
- ~~(d) Tests are selected and administered so as to best insure that when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills except where those skills are factors which the test purports to measure.~~
- ~~(e) A list of the approved instruments and checklists will be established and published by the department of education that will include, as appropriate, the criteria for judging technical adequacy of assessments and instruments.~~

(D) Provision of Services

~~Gifted and talented students need differentiated curriculum and instruction and support services in order to fully develop their cognitive, academic, creative and artistic abilities or to excel in a specific content area, including opportunities to exceed grade level academic indicators and benchmarks.~~

- ~~(1) The district shall not indicate to parents or report to the department of education that a student is receiving gifted education services unless services are provided in conformance with this rule. 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) Placement procedures for district services shall be in conformance with the district's written criteria for determining eligibility for placement in those services. 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. An exception is noted below only for co-teaching and resource room/pull-out settings.~~
 - ~~(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 students for whom English is a second language.~~
 - ~~(c) Services which students receive shall be consistent with their area(s) of identification and shall be differentiated to meet their needs.~~
 - ~~(d) Subjective criteria such as teacher recommendations shall not be used to exclude a student from service in the superior cognitive and specific academic areas who would otherwise be eligible.~~
 - ~~(e) All district students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.~~
- ~~(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:

- (a) A full-time self-contained classroom where the gifted intervention specialist is the teacher of record and all students are identified as gifted;
- (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 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;
- (e) Cluster grouping where a small group of students who are gifted is deliberately placed together in a classroom;
- (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

(f) The ability to use data from a variety of sources to measure and monitor the growth of students who are gifted.

(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 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.

(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.

~~(a) Instructional settings and services-~~

~~Instruction for gifted services shall be provided during the regular school day. Such instruction may be provided in large groups, small groups, and/or individually in a variety of settings, including:~~

~~(i) General education settings including:~~

~~(a) Grade acceleration;~~

~~(b) Early entrance;~~

~~(c) Cluster grouping in settings where curriculum provided is above grade level or is delivered by a gifted intervention specialist;~~

~~(d) Early graduation; and~~

~~(e) Subject acceleration.~~

~~(ii) Resource rooms;~~

~~(iii) Self-contained classrooms;~~

~~(iv) Magnet schools;~~

~~(v) "Advanced Placement" courses provided under the authorization of the College Board;~~

~~(vi) Dual enrollment opportunities including but not limited to post-secondary enrollment options program under Chapter 3365. of the Revised Code;~~

~~(vii) Honors courses, international baccalaureate courses, or other advanced courses;~~

~~(viii) Educational options;~~

~~(ix) Advanced online courses and programs; and~~

~~(x) Internships with businesses, nonprofit organizations, and arts organizations.~~

~~(b) Instruction~~

~~The depth, breadth, and pace of instruction, based on the adopted course of study in appropriate content areas, shall be differentiated based on the student's area(s) of identification and individual needs.~~

~~Gifted services may include the following:~~

~~(i) Differentiated instruction in general education settings in which accelerated (above grade level) curriculum is provided or the teacher holds a license or endorsement in gifted education or receives professional development regarding teaching gifted students and ongoing assistance with curriculum development and instruction from an educator with a gifted intervention specialist license per paragraph (E)(2)(d). Curriculum is differentiated in one or more of the following ways:~~

~~(a) Providing access to appropriately advanced curriculum content, including replacement or extension of the regular curriculum;~~

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- ~~(b) Modifying the learning process to provide an appropriate level of challenge, including the use of strategies for curriculum compacting; and,~~
-
- ~~(c) Modifying or replacing assignments and projects with alternatives based on the student's needs and abilities.~~
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- ~~(ii) Methods to stimulate high level thought, including critical thinking, divergent thinking, abstract thinking, logical reasoning, and problem solving;~~
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- ~~(iii) Oral, written, and artistic expression;~~
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- ~~(iv) Independent study and research methods;~~
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- ~~(v) In depth study of a topic through:~~
 - ~~(a) Open ended tasks, and~~
 - ~~(b) Products that reflect complex abstract, and/or higher level thinking skills;~~
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- ~~(vi) Exploration of career options;~~
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- ~~(vii) Early admission to kindergarten or first grade, whole grade acceleration, subject acceleration, or other forms of acceleration provided in conformance with the district's acceleration policy approved by the district board of education and the department of education in accordance with section 3324.10 of the Revised Code;~~
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- ~~(viii) Mentorships; and~~
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- ~~(c) Guidance-~~
 - ~~Guidance services received from a guidance counselor and/or a guidance program specifically designed to meet the social and emotional needs of gifted children, including making academic and career choices.~~

(E4) Written education plan (WEP)

Gifted services shall be ~~based on the student's area(s) of identification and individual needs and 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 gifted student's WEP.

- (1a) 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; ~~and~~

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

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

(v) ~~Specify~~ 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) ~~Specify~~ 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.

~~(5) The board of education of each district shall develop, in accordance with department of education guidelines, a plan for the service of gifted students enrolled in the district who are identified under section 3324.03 of the Revised Code.~~

~~(6) Each district board of education shall file the service plan developed under section 3324.07 of the Revised Code with the department of education by December 15, 2000.~~

~~(7) The district shall work with the department of education to ensure the service plan is adequate and provide funding estimates. If the district changes the plan, the revised plan shall be submitted to the department of education.~~

~~(8) Unless otherwise required by law, rule, or as a condition for receipt of funds, district boards~~

of education may implement the plans developed under paragraph (D)(5) of this rule, but shall not be required to do so until further action by the general assembly or the state superintendent of public instruction.

~~(E) Personnel~~

~~(1) Personnel shall provide instruction and services that are consistent with gifted student's WEPs.~~

~~(2) An intervention specialist for gifted education shall provide instruction directly to gifted students for no less than seventy five per cent of the time. For intervention specialists assigned to more than one service setting, the maximum caseload for each setting must be reduced in proportion to the time assigned to each setting. Intervention specialists shall be provided sufficient time for designing their work, evaluating student progress, conferencing, and team planning consistent with paragraph (A)(9) of rule 3301-35-05 of the Administrative Code. The department of education, office for exceptional children, shall establish policies and procedures for granting temporary waivers to districts related to paragraphs (E)(2)(a) through (E)(2)(e) of this rule. An intervention specialist shall provide instruction to gifted students in one or more of the service settings specified in paragraphs (E)(2)(a) through (E)(2)(e):~~

~~(a) In a resource room with a maximum of fifteen gifted students at any one time and a maximum caseload of sixty gifted students. Each student served in this setting shall be provided instruction no less than two hundred twenty five minutes per week throughout the school year at the elementary level (kindergarten through grade five) and no less than two hundred forty minutes per week throughout the school year at the secondary level (grades six through twelve);~~

~~(b) In a full-time self-contained classroom where the intervention specialist is the teacher of record with a maximum of twenty gifted students at the elementary level (kindergarten through grade five) or a maximum of twenty-five gifted students at the secondary level (grades six through twelve);~~

~~(c) In a single subject course where the intervention specialist is the teacher of record with a maximum of twenty gifted students at any one time and a maximum caseload of eighty gifted students at the elementary level (kindergarten through grade five) or a maximum of twenty-five gifted students at any one time and a maximum caseload of one hundred twenty five gifted students at the secondary level (grades six through twelve). Each student served in this setting shall be provided instruction no less than an average of two hundred twenty five minutes per week throughout the course at the elementary level (kindergarten through grade five) and no less than an average of two hundred forty minutes per week throughout the course at the secondary level (grades six through twelve);~~

~~(d) In a course where the general education teacher is the teacher of record with a maximum of twenty gifted students at any one time and a maximum caseload of eighty gifted students at the elementary level (kindergarten through grade five) or a maximum of twenty five gifted students at any one time and a maximum caseload of one hundred twenty five gifted students at the secondary level (grades six through twelve). Each student served in this setting shall be provided instruction by the intervention specialist no less than an average of two hundred twenty five minutes per week throughout the course at the elementary level (kindergarten through grade five) and no less than an average of two hundred forty minutes per week throughout the course at the secondary level (grades six through twelve). Services are provided through collaboration or team teaching with the general education teacher. Several gifted students are deliberately placed (clustered) with a general education teacher who has received professional development in differentiating instruction for gifted students and is designated as a provider of differentiated instruction on students' WEPs. The gifted intervention specialist and general education teacher shall be provided with regularly scheduled collaborative planning time;~~

~~(e) In virtual learning environments where the total student caseload does not exceed one hundred twenty five gifted students.;~~

~~(f) In designing and/or supervising educational options, internships and mentorships specified on gifted students' WEPs where the total student caseload does not exceed one hundred twenty five students.~~

~~(3) The intervention specialist shall hold an intervention specialist license, valid for teaching gifted students ages five through twenty one.~~

~~(4) Coordinators of gifted education shall provide the following services for school districts:~~

~~(a) Assist in the identification of gifted students;~~

~~(b) Assist in the placement of gifted students 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) 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;~~

~~(g) Assist school personnel in the development, appropriate dissemination, evaluation and revision of written education plans for gifted students as required in paragraph (D) of this rule and~~

~~(h) Assist school personnel in ensuring district compliance with accountability requirements described in paragraph (D) of this rule.~~

~~(5) Coordinators of gifted education may provide the following services for school districts:-~~

~~(a) Communicate with parents and others about the characteristics and educational needs of gifted students;-~~

~~(b) Consult with school personnel about ways to develop and adapt curriculum, materials, and teaching strategies;-~~

~~(c) Coordinate services such as: mentorship, advanced coursework, special seminars, independent studies, interdisciplinary curricular experiences, internships, career explorations, visual and/or performing arts experiences, distance learning, and supervising and evaluating educational options for gifted students provided in accordance with paragraph (G) of rule 3301-35-06 of the Administrative Code;-~~

~~(d) Develop curriculum and staff development activities and provide teaching demonstrations to model appropriate teaching practices or classroom management strategies. However, coordinators shall not be assigned to regular scheduled teaching duties; and~~

~~(e) Serve as a liaison among students who are gifted, school personnel, parents, community members, colleges and universities, industry, business and cultural institutions and other interested publics.-~~

~~(6) Coordinators shall meet the following qualifications:-~~

~~(a) Evidence of at least three years successful teaching experience;-~~

~~(b) Master's degree;-~~

~~(c) Ohio administrative specialist license, if the coordinator is to supervise teachers; and~~

~~(d) Ohio intervention specialist license for gifted education.-~~

~~(7) Coordinators of gifted education services shall be provided with appropriate space when conducting conferences with educators, parents, and students.-~~

~~(8) A trained arts instructor may provide services to a maximum of one hundred twenty five~~

~~students who are identified as gifted in the visual/performing arts and who have such services specified on their WEPs.—~~

(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 licensed qualified gifted coordinators or qualified gifted intervention specialists 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 to educational service centers where qualified gifted coordinator services are available.
- ~~(1) The department of education may approve and reimburse districts for the services of intervention specialist and coordinators for gifted education as follows:-~~
- ~~(a) Unit funding for intervention specialists-~~
- ~~(i) Units may be approved in a district or consortium of districts where coordinator services specified in paragraph (E)(4) of this rule are provided;-~~
 - ~~(ii) Units or fractional units may be approved to districts or a consortium of districts on the basis of one thousand average daily membership in kindergarten through grade twelve; and-~~
 - ~~(iii) One full intervention specialist unit may be approved in a district or a consortium of districts with fewer than one thousand average daily membership.-~~
- ~~(b) Unit funding for coordinators-~~
- ~~(i) Units or fractional units may be allocated to districts or a consortium of districts on the basis of two thousand five hundred average daily membership in kindergarten through grade twelve; and-~~

- ~~(ii) One full coordinator unit may be allocated in a district or consortium of districts with fewer than two thousand five hundred average daily membership.~~
- ~~(c) Gifted personnel funded with state dollars shall be full time in that role; and if partially state funded, services must be equal to the level of funding.~~
- ~~(d) Units may be approved to fund gifted education services provided in virtual learning environments.~~
- ~~(e) A reduction in the 2007-2008 allocation of units to a particular district will occur only as a result of noncompliance, voluntary surrender, decline in district average daily membership or reduction in the total number of units available.~~

(G) Accountability

- (1) Each year districts shall submit an annual report data to the department of education specifying:
 - (a) the number of children 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 of the district's gifted education data (including numbers screened, assessed, identified and served by grade, gender, race, disability, economic disadvantage and English language proficiency and appropriate assignment of gifted staff) 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.
 - ~~(c) Districts found to be noncompliant shall develop and implement a corrective action plan approved by the department of education.~~
- (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.

~~(4) The district shall prepare an annual written report on the effectiveness of the identification of and services to students who are gifted. The report shall be submitted to the department of education by July fifteenth of each year.~~

~~(H) Provisions of this rule for the identification of gifted students shall not be exempted for "effective," "excellent," or "excellent with distinction" districts pursuant to rule 3301-15-02 of the Administrative Code. 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.