

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3301-51-15

Rule Type: Amendment

Rule Title/Tagline: Operating standards for identifying and serving students who are gifted.

Agency Name: Department of Education

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/10/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3301.07, 3324.04, 3324.07
5. **What statute(s) does the rule implement or amplify?** 3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 3324.06, 3324.07, 3324.09, 3324.10
6. **What are the reasons for proposing the rule?**

To address stakeholder comments
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The amendment to the rule extends the number of years general education teachers who are designated as gifted service providers have to earn the required professional

development clock hours from two years to four years. This reduces the minimum clock hours required per year from thirty to fifteen.

In addition, the amendment provides further reduction in the number of clock hours required for designated service providers who have twenty-four hours of certified Advanced Placement or International Baccalaureate training earned in the preceding five years from thirty clock hours per year to seven and one-half clock hours per year. The amendment also reduces the number of gifted education professional development competencies required for these educators from eight to five.

The amendment also provides increased flexibility by allowing clock hours earned in excess of minimum hours to count toward minimum required clock hours in the following year and by providing for gifted education professional development clock hours earned in the twenty-four months prior to being designated a service provider to count toward the requirement.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
Ohio Revised Code: Chapter 3317, 3324.03, 3324.04, 3324.10
Ohio Administrative Code: Chapter 3301-35, 3301-35-01, 3301-35-06,
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office? No**

16. **Does this rule have an adverse impact on business? No**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

School districts are subject to audit 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. Results of the audit may require corrective action or implementing a district improvement plans.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

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