

3301-51-15**Operating standards for identifying and serving students who are gifted.**(A) Definitions

- (1) All terms within this rule have the same meaning as the definitions in section 3324.01 of the Revised Code.
- (2) "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 assessment instruments to identify gifted ability in creative, visual or performing arts.
- (3) "Visual or performing arts ability" means ability in areas such as music, dance, theatre, or the visual arts.

(B) Identification

- (1) The board of education of each district will identify students who are gifted and are enrolled in that district in grades kindergarten through twelve pursuant to section 3324.03 of the Revised Code.
- (2) A trained individual will determine if a student is identified as exhibiting "visual or performing arts ability" superior to that of students of similar age if the student has done both of the following:
 - (a) Demonstrated to the trained individual through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area; and
 - (b) Exhibited to the trained individual sufficient performance, as established by the department of education and workforce, on an approved checklist of behaviors related to a specific arts area.
- (3) After any initial gifted identification made in conformance with section 3324.03 of the Revised Code and this rule, a student will remain identified regardless of subsequent testing or classroom performance.

(4) Testing/assessment

The school district will select instruments in conformance with section 3324.02 of the Revised Code. In addition to section 3324.02 of the Revised Code the school district will ensure that the approved assessment instruments:

- (a) Are administered by a trained individual in conformance with the instructions provided by their publisher;
- (b) Have been validated for the specific purpose and populations for which they are used and measure the specific area(s) of gifted ability;
- (c) Are provided and administered in the student's primary language or communication modality if English is a barrier to the student's performance or if requested by the parent;
- (d) 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 will be used; and
- (e) 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.

(5) District gifted identification plan

The school district will have a gifted identification plan adopted pursuant to section 3324.04 of the Revised Code. The district's gifted identification plan may be subject to the department of education and workforce's review of the district's guidelines during the department's audit of that district pursuant to section 3324.05 of the Revised Code .

- (a) In addition to the district's gifted identification plan contents as specified in section 3324.04 of the Revised Code, the school district's plan will include the following:
 - (i) A provision of at least two whole grade screening opportunities for all students in the kindergarten through second grade band, once prior to the end of grade two screening in the following areas:
 - (a) superior cognitive ability, and
 - (b) specific academic ability in the areas of mathematics and reading, writing or a combination of these skills.

(ii) A provision of at least two whole grade screening opportunities for all students in the third through sixth grand band, once prior to the end of grade six, screening in the following areas:

(a) superior cognitive ability, and

(b) specific academic ability in the areas of mathematics and reading, writing or a combination of these skills.

(iii) 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 will be completed within ninety days of referral:

(b) School districts will distribute the district identification plan to parents of the district.

(c) The district will accept assessment results from other districts or from a trained individual outside the district, as equivalent to district testing as set forth in section 3324.03 of the Revised Code and paragraph (B) of this rule . Districts will not alter eligibility through any consideration or computation other than as set forth in section 3324.03 of the Revised Code and paragraph (B) of this rule.

(6) District gifted education policy

The board of education of each district will adopt a statement of its policy for the screening and identification of students pursuant to section 3324.06 of the Revised Code and that policy will additionally include a detailed list of all gifted services that are currently available within the school district including the criteria for receiving those services.

(C) Provision of services

(1) Gifted services 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 occur during the typical instructional day with flexibility allowed for the scheduling of educational options as defined in rules 3301-35-01 and 3301-35-06 of the Administrative Code, dual enrollment opportunities, and the visual or performing arts.

- (3) Instructional time, class size, and caseload ratios for all service settings will be equivalent to districtwide instructional time, class size, and caseload ratios for the corresponding subject, grade level, and setting under Chapter 3301-35 of the Administrative Code with exceptions as noted per paragraph (C)(4) of this rule.
- (4) In addition to the continuum of services available in section 3324.07 of the Revised Code, a school district board of education may also include but is not limited to the following options :
- (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) A resource room/pull-out with a gifted intervention specialist and all the students are identified as gifted;
- (i) Each student served in this setting will be provided instruction for no less than one core content class period a day or an average of fifteen per cent of the school week;
- (ii) The class size in this setting will be a maximum of twenty students identified as gifted;
- (iii) The maximum caseload of the gifted intervention specialist is eighty students who are identified as gifted; and
- (iv) The district may apply for a temporary waiver related to this setting with the department of education and workforce that is subject to the department's approval.
- (d) Co-teaching with a gifted intervention specialist in a cluster grouping setting;
- (i) Each student served in this setting will be provided instruction for no less than one core content class period a day or an average of fifteen percent of the total instructional time for the school week;
- (ii) The cluster group size in this setting is a minimum of three students and a maximum of twenty students who are identified as gifted. The district may apply for a temporary waiver related to this setting

with the department of education and workforce that is subject to the department's approval; and

(iii) The maximum caseload of the gifted interventional specialist is eighty students who are identified as gifted.

(e) Cluster grouping where the cluster group size is a minimum of three students who are gifted and where the students' gifted identification areas are similarly related. The district may apply for a temporary waiver related to this setting with the department of education and workforce that is subject to the department's approval.. Reasons for applying for a waiver may include, but are not limited to, the waiver being necessary for compliance with IDEA;

(f) Services in the visual or performing arts through a trained arts instructor;

(g) 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;

(h) Dual enrollment opportunities including but not limited to college credit plus; or

(i) Educational options including credit flexibility, advanced online courses and programs and other options as defined in rules 3301-35-01 and 3301-35-06 of the Administrative Code.

(5) Gifted services will be guided by a written education plan (WEP). The district will provide parents with periodic reports regarding the student's progress toward meeting goals and the effectiveness of the services provided in accordance with the WEP.

(a) The WEP will be developed in collaboration with an educator who holds licensure or endorsement in gifted education. The WEP will:

(i) Provide a description of gifted services including:

(a) Goals for the student, including but not limited to, measurable academic goals aligned with the Ohio Learning Standards. Goals may also include curricular, guidance and instructional practices which support the student's social and emotional needs;

- (b) Methods and performance measurements for evaluating progress toward achieving the goals specified;
 - (c) Methods and schedule for reporting progress to students and parents;
 - (d) Staff members responsible for ensuring that specified services are delivered;
 - (e) Policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general education classroom;
 - (f) Include a date by which the WEP will be annually reviewed for possible revision; and
 - (g) An explanation of how the gifted services meet the student's documented strengths, educational needs, and goals for the student.
- (ii) 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, will be provided a copy of the WEP.
 - (iii) The district will make a reasonable attempt at the commencement of services and each year thereafter to obtain parent input on the WEP and the parent's signature on the WEP. Students will not be denied services due to the lack of a parent's signature.
- (6) Services for students will be consistent with their area(s) of identification and differentiated to meet their needs.
 - (7) The district will only indicate to parents or report to the department of education and workforce that a student is receiving gifted education services when services are provided in conformance with chapter 3324 of the Revised Code and this rule.
 - (8) Placement procedures for district services will 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 will be provided to any parent, district educator, or the department of education and workforce upon request.
 - (b) Written criteria provided by the district will include an explanation of the methods used to ensure equal access to each gifted service for all eligible district students, including students who transfer into the district, minority, economically disadvantaged students, students with disabilities and English learners. This written criteria will not unduly restrict access to services.
 - (c) Subjective criteria such as grades and teacher recommendations will not be used to exclude a student from service.
 - (d) All district students who meet the written criteria for a gifted service will be provided an equal opportunity to receive that service.
- (9) The district will ensure that students identified as gifted are placed in settings with similar or related areas of identification to the maximum extent possible.

(D) Student Talent Development

- (1) Talent development includes instructional strategies and supports for all students that provides access to challenging content and enriching curriculum beyond what is ordinarily provided by a school or district based on student interests and preferred modes of expression in order for students to demonstrate higher levels of academic achievement.
- (2) School districts may implement talent development to support opportunities for identification and access to gifted education services for students, including students from underrepresented populations.
- (3) Students do not have to be identified gifted in order to participate in talent development.
- (4) Talent development is delivered by qualified gifted education personnel.

(E) Model Acceleration Policy

The board of education of each district will implement a student acceleration policy pursuant to section 3324.10 of the Revised Code.

(F) Gifted Education Personnel

(1) Gifted personnel will meet the qualifications listed in this paragraph and provide services that are consistent with this rule.

(a) A gifted intervention specialist will:

(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 or other methods as determined by the department.

(b) A general education teacher who is designated as a provider of gifted services will:

(i) Earn at least fifteen clock hours of specialized training in gifted education during each year over four consecutive years in order to meet the following competencies:

(a) The ability to differentiate instruction based on a student's readiness, knowledge, language proficiency, 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, including, but not limited to, students with economic disadvantage, minority students, English learners,

and students with disabilities and to create safe and culturally responsive learning environments;

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

(g) The ability to select, use, and interpret technically sound formal and informal assessments for the purpose of academic decision making; and

(h) The ability to collaborate in the development of and implementation of a "Written Education Plan."

(ii) For general education teachers who have earned at least twenty-four hours of certified advanced placement or international baccalaureate training within the past five years, earn at least seven and one-half clock hours of specialized training in gifted education during each year over four consecutive years in order to meet the competencies listed in (F)(1)(b)(i), (F)(1)(b)(ii), (F)(1)(b)(iv), (F)(1)(b)(v), and (F)(1)(b)(viii) of this rule.

(iii) Participate in specialized training in gifted education per paragraphs (F)(1)(b) of this rule from an educator who:

(a) Holds licensure or endorsement in gifted education;

(b) Holds a graduate degree in gifted education;

(c) Is a college or university faculty member and who teaches gifted education coursework that is part of an accredited gifted endorsement program;

(d) Is a state or national presenter in gifted education; or

(e) Additional providers as determined by the district if co-developed by an educator with gifted licensure or endorsement.

(iv) Participate in on-going specialized training in gifted education each year thereafter.

(v) Document specialized training in gifted education on the Individual Professional Development Plan, or by other methods as determined by the department and monitored by the district.

- (vi) Participate in regularly scheduled collaborative planning in curriculum development and instruction with an educator who holds licensure or endorsement in gifted education.
- (vii) Any clock hours earned in excess of the minimum in a particular year per paragraph (F)(1)(b) and of this rule may be counted toward any subsequent year's clock hours.
- (viii) Count any documented clock hours of qualifying specialized training in gifted education earned in the preceding twenty-four months prior to the designation of educator as a provider of gifted education services .

(c) A Gifted Coordinator will:

- (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 or other methods as determined by the department.

(d) Trained individuals may be gifted education personnel as long as they only provide gifted services in areas for which the trained individual is trained.

(2) Gifted Coordinators will 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 pursuant to chapter 3324 of the Revised Code and this rule including but not limited to the gifted identification plan, gifted education policy, plan for service of students who are gifted, and student acceleration policy are accurate and accessible to parents and other stakeholders.
- (3) All gifted personnel providing gifted services will be provided with appropriate space and sufficient time for designing their work, evaluating student progress, conferencing, and planning.
 - (4) Gifted intervention specialists and general education teachers providing service in a co-teaching setting will be provided with regularly scheduled collaborative planning time.
 - (5) All general personnel providing gifted services are accountable through the Ohio educator evaluation system.

(G) Gifted advisory council

The director of the department of education and workforce will establish a gifted advisory council. The council will:

- (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 director;
- (2) Assist in the development and updating of a department-approved plan for gifted education in Ohio;
- (3) Advise on policy recommendations;
- (4) Consult on a performance indicator pursuant to section 3302.02 of the Revised Code; 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.

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