

**Ohio**  
**Revised Code**  
**3324.01-.07**

**June 30, 1999**

## **Section 3324.01**

AS USED IN THIS SECTION AND SECTIONS 3324.02 THROUGH 3324.06 OF THE REVISED CODE:

(A) "APPROVED" MEANS APPROVED BY THE DEPARTMENT OF EDUCATION AND INCLUDED ON THE LIST COMPILED BY THE DEPARTMENT UNDER SECTION 3324.02 OF THE REVISED CODE.

(B) "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.

(C) "SCHOOL DISTRICT" DOES NOT INCLUDE A JOINT VOCATIONAL SCHOOL DISTRICT.

(D) "SPECIFIC ACADEMIC ABILITY FIELD" MEANS ONE OR MORE OF THE FOLLOWING AREAS OF INSTRUCTION:

(1) MATHEMATICS;

(2) SCIENCE;

(3) READING, WRITING, OR A COMBINATION OF THESE SKILLS;

(4) SOCIAL STUDIES.

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## **Section 3324.02**

(A) THE DEPARTMENT OF EDUCATION SHALL CONSTRUCT LISTS OF EXISTING ASSESSMENT INSTRUMENTS IT APPROVES FOR USE BY SCHOOL DISTRICTS, AND MAY INCLUDE ON THE LISTS AND MAKE AVAILABLE TO SCHOOL DISTRICTS ADDITIONAL ASSESSMENT INSTRUMENTS DEVELOPED BY THE DEPARTMENT. WHEREVER POSSIBLE, THE DEPARTMENT SHALL APPROVE ASSESSMENT INSTRUMENTS THAT UTILIZE NATIONALLY RECOGNIZED STANDARDS FOR SCORING OR ARE NATIONALLY NORMED. THE LISTS OF INSTRUMENTS SHALL INCLUDE:

(1) INITIAL SCREENING INSTRUMENTS FOR USE IN SELECTING POTENTIALLY GIFTED STUDENTS FOR FURTHER ASSESSMENT;

(2) INSTRUMENTS FOR IDENTIFYING GIFTED STUDENTS UNDER SECTION 3324.03 OF THE REVISED CODE.

(B) THE DEPARTMENT, UNDER CHAPTER 119. OF THE REVISED CODE, SHALL ALSO ADOPT RULES FOR THE ADMINISTRATION OF ANY TESTS OR ASSESSMENT INSTRUMENTS IT APPROVES ON THE LIST REQUIRED BY DIVISION (A) OF THIS

SECTION AND FOR ESTABLISHING THE SCORES OR PERFORMANCE LEVELS REQUIRED UNDER SECTION 3324.03 OF THE REVISED CODE.

(C) THE DEPARTMENT SHALL ENSURE THAT THE APPROVED LIST OF ASSESSMENT INSTRUMENTS UNDER THIS SECTION INCLUDES INSTRUMENTS THAT ALLOW FOR APPROPRIATE SCREENING AND IDENTIFICATION OF GIFTED MINORITY AND DISADVANTAGED STUDENTS, CHILDREN WITH DISABILITIES, AND STUDENTS FOR WHOM ENGLISH IS A SECOND LANGUAGE.

(D) DISTRICTS SHALL SELECT SCREENING AND IDENTIFICATION INSTRUMENTS FROM THE APPROVED LISTS FOR INCLUSION IN THEIR DISTRICT POLICIES.

(E) THE DEPARTMENT SHALL MAKE INITIAL LISTS OF APPROVED ASSESSMENT INSTRUMENTS AND THE RULES FOR THE ADMINISTRATION OF THE INSTRUMENTS AVAILABLE BY SEPTEMBER 1, 1999.

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## **Section 3324.03**

THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL IDENTIFY GIFTED STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE AS FOLLOWS:

(A) A STUDENT SHALL BE IDENTIFIED AS EXHIBITING "SUPERIOR COGNITIVE ABILITY" IF THE STUDENT DID EITHER OF THE FOLLOWING WITHIN THE PRECEDING TWENTY-FOUR MONTHS:

(1) SCORED TWO STANDARD DEVIATIONS ABOVE THE MEAN, MINUS THE STANDARD ERROR OF MEASUREMENT, ON AN APPROVED INDIVIDUAL STANDARDIZED INTELLIGENCE TEST ADMINISTERED BY A LICENSED PSYCHOLOGIST;

(2) 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;

(c) ATTAINED AN APPROVED SCORE ON ONE OR MORE ABOVE-GRADE LEVEL STANDARDIZED, NATIONALLY NORMED APPROVED TESTS.

(B) A STUDENT SHALL BE IDENTIFIED AS EXHIBITING "SPECIFIC ACADEMIC ABILITY" SUPERIOR TO THAT OF CHILDREN OF SIMILAR AGE IN A SPECIFIC ACADEMIC ABILITY FIELD IF WITHIN THE PRECEDING TWENTY-FOUR MONTHS THE STUDENT PERFORMS 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 STUDENT MAY BE IDENTIFIED AS GIFTED IN MORE THAN ONE SPECIFIC ACADEMIC ABILITY FIELD.

(C) A STUDENT SHALL BE IDENTIFIED AS EXHIBITING "CREATIVE THINKING ABILITY" SUPERIOR TO CHILDREN OF A SIMILAR AGE, IF WITHIN THE PREVIOUS TWENTY-FOUR MONTHS, THE 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:

(1) ATTAINED A SUFFICIENT SCORE, AS ESTABLISHED BY THE DEPARTMENT OF EDUCATION, ON AN APPROVED INDIVIDUAL OR GROUP TEST OF CREATIVE ABILITY;

(2) EXHIBITED SUFFICIENT PERFORMANCE, AS ESTABLISHED BY THE DEPARTMENT OF EDUCATION, ON AN APPROVED CHECKLIST OF CREATIVE BEHAVIORS.

(D) A STUDENT SHALL BE IDENTIFIED AS EXHIBITING "VISUAL OR PERFORMING ARTS ABILITY" SUPERIOR TO THAT OF CHILDREN OF SIMILAR AGE IF THE STUDENT HAS DONE BOTH OF THE FOLLOWING:

(1) DEMONSTRATED THROUGH A DISPLAY OF WORK, AN AUDITION, OR OTHER PERFORMANCE OR EXHIBITION, SUPERIOR ABILITY IN A VISUAL OR PERFORMING ARTS AREA;

(2) EXHIBITED SUFFICIENT PERFORMANCE, AS ESTABLISHED BY THE DEPARTMENT OF EDUCATION, ON AN APPROVED CHECKLIST OF BEHAVIORS RELATED TO A SPECIFIC ARTS AREA.

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## **Section 3324.04**

THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL ADOPT A PLAN BY JANUARY 1, 2000, FOR IDENTIFYING GIFTED STUDENTS. THE PLAN SHALL BE SUBMITTED TO THE DEPARTMENT OF EDUCATION FOR APPROVAL. THE DEPARTMENT SHALL APPROVE THE PLAN WITHIN SIXTY DAYS IF IT CONTAINS ALL OF THE FOLLOWING:

(A) A DESCRIPTION OF THE ASSESSMENT INSTRUMENTS FROM THE LIST ADOPTED BY THE DEPARTMENT THAT THE DISTRICT WILL USE TO SCREEN AND IDENTIFY GIFTED STUDENTS;

(B) ACCEPTABLE SCHEDULING PROCEDURES FOR SCREENING AND FOR ADMINISTERING ASSESSMENT INSTRUMENTS FOR IDENTIFYING GIFTED STUDENTS. THESE PROCEDURES SHALL PROVIDE:

(1) AT LEAST TWO OPPORTUNITIES A YEAR FOR ASSESSMENT IN THE CASE OF STUDENTS REQUESTING ASSESSMENT OR RECOMMENDED FOR ASSESSMENT BY TEACHERS, PARENTS, OR OTHER STUDENTS;

(2) ASSURANCE OF INCLUSION IN SCREENING AND ASSESSMENT PROCEDURES FOR MINORITY AND DISADVANTAGED STUDENTS, CHILDREN WITH DISABILITIES, AND STUDENTS FOR WHOM ENGLISH IS A SECOND LANGUAGE;

(3) ASSURANCE THAT ANY STUDENT TRANSFERRING INTO THE DISTRICT WILL BE ASSESSED WITHIN NINETY DAYS OF THE TRANSFER AT THE REQUEST OF A PARENT.

(C) PROCEDURES FOR NOTIFICATION OF PARENTS WITHIN THIRTY DAYS ABOUT THE RESULTS OF ANY SCREENING PROCEDURE OR ASSESSMENT INSTRUMENT AND 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 STUDENT IN ANY PROGRAM OR FOR RECEIPT OF SERVICES;

(D) A COMMITMENT THAT THE DISTRICT WILL ACCEPT SCORES ON ASSESSMENT INSTRUMENTS PROVIDED BY OTHER SCHOOL DISTRICTS OR TRAINED PERSONNEL OUTSIDE THE SCHOOL DISTRICT, PROVIDED THE ASSESSMENT INSTRUMENTS ARE ON THE LIST APPROVED BY THE DEPARTMENT OF EDUCATION UNDER SECTION 3324.02 OF THE REVISED CODE.

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.

THE DEPARTMENT SHALL ASSIST ANY DISTRICT WHOSE PLAN IT DISAPPROVES UNDER THIS SECTION TO AMEND THE PLAN SO THAT IT MEETS THE REQUIREMENTS OF THIS SECTION.

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## **Section 3324.05**

(A) EACH SCHOOL DISTRICT SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF EDUCATION SPECIFYING THE NUMBER OF STUDENTS IN EACH OF GRADES KINDERGARTEN THROUGH TWELFTH SCREENED, THE NUMBER ASSESSED, AND THE NUMBER IDENTIFIED AS GIFTED IN EACH CATEGORY SPECIFIED IN SECTION 3324.03 OF THE REVISED CODE.

(B) THE DEPARTMENT OF EDUCATION SHALL AUDIT EACH SCHOOL DISTRICT'S IDENTIFICATION NUMBERS AT LEAST ONCE EVERY THREE YEARS AND MAY SELECT ANY DISTRICT AT RANDOM OR UPON COMPLAINT OR SUSPICION OF NONCOMPLIANCE FOR A FURTHER AUDIT TO DETERMINE COMPLIANCE WITH SECTIONS 3324.03 TO 3324.06 OF THE REVISED CODE.

(C) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO ANY DISTRICT FOUND IN NONCOMPLIANCE UNDER DIVISION (B) OF THIS SECTION. THE DEPARTMENT MAY REDUCE FUNDS RECEIVED BY THE DISTRICT UNDER CHAPTER

3317. OF THE REVISED CODE BY ANY AMOUNT IF THE DISTRICT CONTINUES TO BE NONCOMPLIANT.

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## **Section 3324.06**

THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL ADOPT A STATEMENT OF ITS POLICY FOR THE SCREENING AND IDENTIFICATION OF GIFTED STUDENTS AND SHALL DISTRIBUTE THE POLICY STATEMENT TO PARENTS. THE POLICY STATEMENT SHALL SPECIFY:

(A) 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 ONE OF THE GIFTED AREAS SPECIFIED IN SECTION 3324.03 OF THE REVISED CODE;

(B) 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 GIFTED STUDENTS UNDER SECTION 3324.03 OF THE REVISED CODE;

(C) AN EXPLANATION FOR PARENTS OF THE METHODS THE DISTRICT USES TO ENSURE EQUAL ACCESS TO SCREENING AND FURTHER ASSESSMENT BY ALL DISTRICT STUDENTS, INCLUDING MINORITY OR DISADVANTAGED STUDENTS, CHILDREN WITH DISABILITIES, AND STUDENTS FOR WHOM ENGLISH IS A SECOND LANGUAGE;

(D) PROVISIONS TO ENSURE EQUAL OPPORTUNITY FOR ALL DISTRICT STUDENTS IDENTIFIED AS GIFTED TO RECEIVE ANY SERVICES OFFERED BY THE DISTRICT;

(E) PROVISIONS FOR STUDENTS TO WITHDRAW FROM GIFTED PROGRAMS OR SERVICES, FOR REASSESSMENT OF STUDENTS, AND FOR ASSESSMENT OF STUDENTS TRANSFERRING INTO THE DISTRICT;

(F) METHODS FOR RESOLVING DISAGREEMENTS BETWEEN PARENTS AND THE DISTRICT CONCERNING IDENTIFICATION AND PLACEMENT DECISIONS.

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.

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## **Section 3324.07**

(A) THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL DEVELOP A PLAN FOR THE SERVICE OF GIFTED STUDENTS ENROLLED IN THE DISTRICT THAT ARE IDENTIFIED UNDER SECTION 3324.03 OF THE REVISED CODE. SERVICES SPECIFIED IN THE PLAN DEVELOPED BY EACH BOARD MAY INCLUDE SUCH OPTIONS AS THE FOLLOWING:

- (1) A DIFFERENTIATED CURRICULUM;
- (2) CLUSTER GROUPING;
- (3) MENTORSHIPS;
- (4) ACCELERATED COURSE WORK;
- (5) THE POST-SECONDARY ENROLLMENT OPTION PROGRAM UNDER CHAPTER 3365. OF THE REVISED CODE;
- (6) ADVANCED PLACEMENT;
- (7) HONORS CLASSES;
- (8) MAGNET SCHOOLS;
- (9) SELF-CONTAINED CLASSROOMS;
- (10) INDEPENDENT STUDY;
- (11) OTHER OPTIONS IDENTIFIED IN RULES ADOPTED BY THE DEPARTMENT OF EDUCATION.

(B) EACH BOARD SHALL FILE THE PLAN DEVELOPED UNDER DIVISION (A) OF THIS SECTION WITH THE DEPARTMENT OF EDUCATION BY DECEMBER 15, 2000. THE DEPARTMENT SHALL REVIEW AND ANALYZE EACH PLAN TO DETERMINE IF IT IS ADEQUATE AND TO MAKE FUNDING ESTIMATES.

(C) UNLESS OTHERWISE REQUIRED BY LAW, RULE, OR AS A CONDITION FOR RECEIPT OF FUNDS, SCHOOL BOARDS MAY IMPLEMENT THE PLANS DEVELOPED UNDER DIVISION (A) OF THIS SECTION, BUT SHALL NOT BE REQUIRED TO DO SO UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY OR THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.