

**IDENTIFICATION
AND SERVICES
FOR
CHILDREN WHO
ARE GIFTED**

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

January 2000

(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*" 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, 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 children who are gifted into the district's comprehensive or continuous improvement plan.

(C) ELIGIBILITY

(1) Definition

The board of education of each district shall identify gifted children in grades kindergarten through twelfth as follows:

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

(2) District identification plan

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) The department of education shall approve the plan within sixty days if it contains 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) at least two opportunities a year for assessment in the case of children who have requested assessment or who have been recommended for assessment by teachers, parents, or other children,
 - (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 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 consider test scores from reassessment, from other districts or from trained personnel outside the district, as equivalent to district testing as set forth in section (C) (1) Eligibility 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 they meet the criteria specified in section(C) (1) Eligibility. Districts shall not alter eligibility through any consideration or computation other than as set forth in section (C) (1) Eligibility.
 - (c) 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.

(3) Screening/Identification

The board of education of each district shall adopt a statement of its policy for the screening and identification 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;
- (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;

- (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;
 - (d) Provisions to ensure equal opportunity for all district children identified as gifted to receive any services offered by the district;
 - (e) Provisions for children to withdraw from gifted programs and services, for reassessment of children, and for assessment of children transferring into the district;
 - (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
- (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 of gifted ability.
 - (b) 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 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) SERVICES FOR CHILDREN WHO ARE GIFTED

(1) Placement for district services shall be in conformance with the criteria used in determining eligibility. Subjective criteria such as teacher recommendations may be used to determine appropriate service placement but shall not be used to exclude a child from service in the superior cognitive and specific academic areas who would otherwise be eligible.

(2) A continuum of services specified in the plan developed by each district board of education may include such options as the following:

(a) Instructional Settings and Programs

Instruction for gifted children 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 alternative settings, including:

- (i) Regular class including:
 - (a) Grade acceleration,
 - (b) Early entrance, and
 - (c) Cluster grouping;
- (ii) Resource rooms;
- (iii) Self-contained classrooms;
- (iv) Magnet schools;
- (v) Advanced placement;
- (vi) Post secondary enrollment options under chapter 3365 of the Revised Code;
- (vii) Honors classes; and
- (viii) Educational options.

(b) Instruction

The depth, breadth, and pace of instruction, based on the adopted course of study in appropriate content areas, shall be differentiated and may include:

- (i) Differentiated curriculum related to:
 - (a) Replacement or extension of the regular curriculum,
 - (b) Broad based issues,
 - (c) Themes or problems,
 - (d) Multidisciplinary study, and
 - (e) Curriculum compacting;
- (ii) Methods to stimulate high level thought, including critical thinking, divergent thinking, abstract thinking, logical reasoning, and problem solving;
- (iii) Oral, written, and artistic expression;
- (iv) Independent study and research methods;
- (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;
- (vi) Exploration of career options;
- (vii) Accelerated coursework or content acceleration;
- (viii) Mentorships; and
- (ix) Guidance.

(3) Written educational plan

Instruction shall be based on the individual's needs and be guided by a written educational plan. The district shall provide parents with periodic reports regarding

the effectiveness of the services provided in accordance with the gifted child's educational plan.

- (4) The board of education of each district shall develop, in accordance with Department of Education guidelines, a plan for the service of gifted children enrolled in the district that are identified under section 3324.03 of the Revised Code.
- (5) 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.
- (6) 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.
- (7) Unless otherwise required by law, rule, or as a condition for receipt of funds, district boards of education 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.

(E) PERSONNEL AND EDUCATION SERVICES FOR GIFTED EDUCATION

Services are those that are identified in the district's plan and must follow these rules. The district may not indicate to parents or report to the Department of Education that a child is gifted and served unless the child is served under the rule.

- (1) Personnel shall provide instruction and services that are consistent with the gifted child's education plans.
- (2) An intervention specialist for gifted education shall provide instruction and/or support services to a maximum of 60 gifted children or 20 full time equivalent gifted children, whichever is less. The majority of the intervention specialist's time shall be spent providing instruction directly to gifted children. Such instruction and/or support services may be provided:
 - (a) Through collaboration and/or team teaching with the regular education teachers;
 - (b) Through consultation with educational personnel and community members;
 - (c) In a resource room with a maximum of fifteen gifted children per intervention specialist at any one time; and/or
 - (d) In a self-contained classroom with a maximum of twenty gifted children per intervention specialist.

- (3) The intervention specialist shall hold an intervention specialist license, valid for teaching children in the area of gifted ages five through twenty-one years.
- (4) Coordinators of gifted education shall provide the following services for children who are gifted:
 - (a) Assist in the identification and selection of services;
 - (b) Inform parent(s) and others about the characteristics and educational needs of gifted children;
 - (c) Consult with school personnel about ways to develop and adapt curriculum, materials, and teaching strategies;
 - (d) Coordinate experiences such as: mentorship, advanced coursework, special seminars, independent studies, interdisciplinary curricular experiences, internships, career explorations, visual and/or performing arts experiences, and distance learning;
 - (e) Develop educational evaluations and accountability procedures, curriculum and staff development activities, and instruction or classroom management strategies;
 - (f) Provide teaching demonstrations to model appropriate teaching practices. However, coordinators shall not be assigned to regular scheduled teaching duties;
 - (g) Assist school personnel in the on-going evaluation of the effectiveness of gifted education services for the child, including input from parents of children who are gifted; and
 - (h) Serve as a liaison, among children who are gifted, school personnel, parent(s), community members, colleges and universities, industry, business and cultural institutions, and other interested publics.
- (5) 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.

- (6) 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 are available;
 - (ii) Units or fractional units may be approved to districts or a consortium of districts on the basis of two 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 two thousand average daily membership.
 - (b) Unit funding for coordinators
 - (i) Units or fractional units may be allocated to districts on the basis of five thousand 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 five thousand children.
 - (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.
- (7) Coordinators of gifted education services shall be provided with support services, appropriate instructional materials and equipment, and private space when conducting conferences with educators, parents, and children.

(F) ACCOUNTABILITY

- (1) Each district shall submit an annual report to the Department of Education specifying the number of children 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.
- (2) Each district shall participate in an audit of the district's identification numbers at least once every three years or more frequently if randomly selected, based on complaints, or suspicion of non-compliance by the Department of Education.
- (3) The Department of Education shall provide technical assistance to any district found in noncompliance under paragraphs (c) and (e) of this rule. 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, children who are gifted. The report shall be submitted to the Department of Education by July 15 of each year.

- (G) THIS RULE SHALL NOT BE EXEMPTED FOR "EFFECTIVE" OR IN NEED OF "CONTINUOUS IMPROVEMENT" DISTRICTS PURSUANT TO PARAGRAPH (E) OF SECTION 3301-101-01 OF THE OHIO ADMINISTRATIVE CODE.

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