



October 21, 2015 DRAFT

Background Information on Gifted Operating Standards

The nature of administrative code or rules is fairly straight-forward: Ohio Revised Code (ORC) provides an outline or skeleton of the specific policy in question, and Ohio Administrative Code (OAC) provides the details of how the policy is to be implemented. Administrative code establishes the “meat” on the bones of the law. The Ohio General Assembly is responsible for the outlined policy in law, and in the case of education, the State Board of Education is responsible for promulgating the more detailed directives to districts through administrative code. Districts as well as members of ODE look to Ohio Administrative Code to direct districts toward best practice in certain areas and also to use it as a basis for compliance and data gathering.

The operating standards for gifted education have been revised three times. The original rule was passed in the late 1980s. A new rule was passed in 1999 based on a major overhaul of ORC with regard to gifted education. And, finally, in 2008, as part of a standard, albeit late, five year review process, the current operating standards were promulgated. The 2008 standards were scheduled to be revised in 2013, and due to questions regarding the interpretation of certain aspects of funding in ORC as well as unrelated issues, the revision was tabled until recently.

The proposed new standards for gifted education in a draft dated 9.11.15 represents new thinking on the part of the ODE leadership and some members of the State Board that Administrative Code is no longer particularly necessary, that districts are best able to determine the law themselves, and that the State Board and ODE should step back from their responsibility to promulgate rule in favor of deregulation and local control.

Unfortunately, for gifted students, who have never enjoyed protections under federal law, deregulation has not been particularly helpful. Gifted children are the least regulated student population in Ohio. There is no mandate to provide services to gifted children and little incentive to identify them even though identification has been required for years and is supposed to be audited by ODE. When state funding was removed from specific personnel requirements in 2009, the results for gifted students were catastrophic:

- Identification of gifted students decreased by 8.5%.
- Services plummeted to 23% of the gifted count. (For reference, in 2000, the service rate was 41%.)
- Licensed gifted staff levels decreased by almost 25%.
- Over half of all districts in 2014 reported that they are using some or all of their gifted formula funding for purposes other than identifying and serving gifted students. Some of these funds have been used for such things as computers for superintendents, OAA test prep materials, filing cabinets and other unrelated items.
- Only one-quarter of Ohio’s districts are meeting the new gifted performance indicator, the elements of which are currently set at a very low threshold.
- Ohio has one of the worst “excellence gaps” in the U.S. between the achievement of economically disadvantaged gifted students and those who are not economically disadvantaged.
- The value-added scores of gifted students in districts with high levels of poverty are lower than in wealthier districts. This is unlike the value-added scores of the general student population which are evenly distributed.

The 9.11.15 draft of the gifted operating standards does little to help gifted students, and much to ensure that districts will do even less than they already do with far greater impunity. The new standards will effectively allow districts to decide that any teacher can be a gifted teacher and that any intervention no matter how irrelevant can be sufficient. Without discussion of the merits of an inputs vs. outputs based accountability system, neither will make a difference for gifted students without quality parameters defining what services are and what level of training is appropriate for teachers to provide those services in various settings. Some regulations exist for a reason. The removal of all staffing, service and accountability provisions in the 9.11.15 draft will make the current poor state of gifted education in Ohio even worse. Districts will soon be legally able to say they are serving gifted children when in fact those students will receive nothing more than a piece of paper with a “served” stamp on it.

With regard to outputs vs. inputs, due to ever changing state assessments, infamous low cut scores, and hold harmless provisions, we are years away from actually knowing how effective the output measures are in the gifted performance index and value-added scores. To combat the limitations of these outputs, one element of the gifted performance indicator was developed based on input measures. This was designed to encourage districts to identify and serve gifted children with integrity. But this measure is only as good as the quality of the defined service. If the definition of service is watered down to mean virtually anything a district says, this element loses all effectiveness as a barometer of district effort. No one would ever dare to suggest that it would be appropriate for districts to define the outputs on any other measure in Ohio’s accountability system. So why does it make sense for districts to define the outputs for gifted children? The measure will have little meaning, which subverts legislative intent and good education policy. While this is certainly bad for children, it also makes it impossible to determine what service options are the least or most effective, which undermines any system designed to improve quality.

Some policymakers believe it is up to the parents to work with local districts to pursue the services they want and need for their gifted children. While parents are their child’s best advocates, the state has a responsibility to protect and provide for the educational needs of all of our children, including those who are gifted. Certainly, there are parents in this state with time and resources who will fight for the rights of their students, though the 9.11.15 draft will make it much more difficult for them. These parents predominantly are in more affluent districts. However, there is substantial evidence regarding underrepresentation and poor performance of minority and economically disadvantaged gifted students that there are countless gifted children whose parents may not be as effective at advocating for their needs. This is sometimes due to lack of education on the topic, a more critical focus on meeting the economic needs of the family, or any other number of reasons. Those children should not be left without a voice. If their parents are not able to speak out and the state offers no protections in the operating standards, who will ensure that their needs are appropriately met? These children are just as at risk as those the state has provided additional mandates to protect.

In the State Board of Education’s vision statement, the phrase “all students” is used twice. One of the board’s objectives is, “Effectively delivering support for a high quality education.” This must include support for a high quality education for gifted children. It is with the goal of helping the board fulfill its purpose that the Ohio Association for Gifted Children (OAGC) presents this input.

Input on Operating Standards for identifying and Serving Gifted Students

OAGC has reviewed the proposed new draft standards for identifying and serving gifted students in detail. Below, please find a summary of the major improvements and items needing revision.

As the September 11, 2015 draft of the standards, unlike all other draft operating standards, is not based on an appropriate mark-up of current standards, it is very difficult to make changes to the draft. Instead, OAGC has included our suggestions for improvements in a marked-up copy of the draft gifted operating standards voted out of the Achievement Committee on November 11, 2013. This draft, while altered significantly, began as the result of the input and collaboration from various stakeholders including gifted professionals, parents, higher education, teacher unions, management associations, and school psychologists. In addition, many changes were incorporated through the

Achievement Committee process. It, therefore, seems appropriate to begin with this draft as a starting point. In general order of priority, OAGC has identified the following major issues in the draft which need to be revised. A full description and rationale for each of these requested revisions is included in **Appendix A**.

1. Reinstate minimum service minutes for students from current operating standards along with caseload limits (without the sunset provisions) from the draft of the gifted operating standards approved by the State Board of Education Achievement Committee (11.11.13 draft).
2. Reinstate and improve service and instructional settings as provided in the current standards and adjusted to some extent in the 11.11.13 draft.
3. Remove the provision that untrained general education teachers provide service unless it is an accelerated classroom as outlined in the 11.11.13 draft.
4. Reinstate gifted coordinator and intervention specialist qualifications from current standards for both districts and ESCs and ensure that all gifted instructors are provided high quality professional development.
5. Incorporate funding parameters to ensure gifted earmarked funding as stated in Ohio Revised Code (ORC).
6. Reinstate instruction time requirement for teachers from current standards.
7. Reinstate provisions that require ODE audits and allow ODE to remove funds of non-compliance from current standards, as stipulated in ORC.
8. Incorporate data collection on specific inputs to determine effect of services. In addition, the results of the gifted performance indicator should be incorporated into an annual report outlining the condition of gifted education in the state without limiting the gifted performance indicator to the current elements.
9. Increase the scope and depth of the written education plan and a reasonable attempt to require parent signature. Also, require that a gifted coordinator or gifted intervention specialist collaborate on the writing of WEPS.
10. Revise whole grade testing from K-3 to K-2 and limit the testing in this initial grade band to superior cognitive ability and specific academic areas of math and reading. In addition, incorporate the deleted elements from the identification section that is required in ORC and which exists in the current operating standards.
11. With the reinstatement of service parameters as described above, incorporate waivers on the basis of performance on multiple measures including but not limited to the gifted performance indicator. In addition, include language from ORC that allows ODE to remediate and reconstitute gifted services in districts that are chronically failing gifted students.
12. Reinstate the district service plan as required by ORC.
13. Reinstate identification and service definitions as outlined in current operating standards 3301-51-15 and adjusted to some extent in the 11.11.13 draft.

Appendix B (currently under construction) includes a recommended draft of operating standards that OAGC is proposing including all of our suggested revisions. This recommended draft is based on the draft of the operating standards passed by the Achievement Committee in November, 11, 2013 and many of the requested revisions are already included in that draft. Any changes are noted in the comments section of the draft.

If you have any questions, please contact Ann Sheldon, OAGC Executive Director, at anngift@aol.com or 614-325-1185.

APPENDIX A
Recommended Revisions with Rationale
(10.21.15 draft)

- 1. Reinstate minimum service minutes for gifted students from the current operating standards along with caseload limits from the 11.11.13 draft passed by the State Board of Education Achievement Committee (11.11.13 draft) without the sunset clause.**

Rationale: A consensus of research on the effectiveness of gifted education services is that service must provide an appropriate match between a student's needs and the content and level of the curriculum. Additionally, to have an educationally meaningful impact on a child's educational trajectory, services must be significant and sustained over time.

Preserving the minimum time requirement in the operating standards is important to keep the state from sliding back to when students seeing a GIS for 15 minutes a week or a half day a year were considered "service," as was the case in some districts prior to the incorporation of minimum contact time requirements in the 2008 operating standards. As ODE inexplicably stopped performing on-site gifted audits last year, we already are experiencing a slide in service quality.

The minimum time requirement is also crucial for supporting parents' ability to make informed choices about where to educate their children. Without minimum time requirements, districts that provide minimal "drive by" services would appear, on paper, to be the same as districts that provide substantive and sustained programming.

Additionally, many of the report card indicators and other factors for this population will become insignificant if there is no common definition of what that service entails. Accountability data would be rendered useless for driving improvement because school leaders, policy makers, and researchers will not be able to connect output data to inputs to learn what forms of service are most effective and efficient for particular kinds of students in particular kinds of districts.

With regard to caseload requirements, it is critical to recognize that gifted services are necessary specifically because gifted students, like students with disabilities, have significantly different educational needs from other students that must be addressed in order for them to receive a high quality education. However, in recognition of the limited resources in districts, OAGC merely asks that gifted intervention specialists not be assigned to serve more students than the state allows general education teachers to serve. Maintaining the caseload limits recommended by the Gifted Advisory Committee ensures that gifted intervention specialist caseloads do not exceed those of general education teachers and prevent over-assignment of these educators so that they can reasonably be expected to know and understand their students and effectively support the differentiated education gifted students need.

OAGC recommends that the Gifted Advisory Committee recommendations with regard to minimum minutes and caseload ratios be reinstated. These provisions generally increase the caseload ratios from current operating standards, but maintain the minimum minutes of service. The 11.11.13 draft can be used as a base to incorporate this recommendation.

2. Reinstate and improve service settings and instructional settings as provided in the general standards and adjusted in the 11.11.13 draft.

Rationale: The 9.11.15 draft dismantles longstanding definitions of services and instructional settings that are necessary to guide districts toward best practice.

The draft allows districts to define services and service providers anyway they wish with no quality control around the appropriateness of the service, the instructor, or the instruction itself. More specifically, the service section in the 9.11.15 draft eliminates most of the service settings outlined in ORC. ODE currently tracks service codes for multiple types of gifted services. There are 22 EMIS codes based on the types of services provided, which are all required by ORC. The new draft would winnow the range of service options from 22 to 3.

The 9.11.15 draft appears to be an attempt to placate districts that have complained about being held accountable to the gifted performance indicator. It is important to recognize that Ohio law does not require districts to provide any gifted service to gifted students. However, OAGC strongly believes that, if a district reports that it is providing services, that those services be substantive and well defined.

While the clear intent of removing these definitions was to support local control, doing so may actually undermine local capacity for innovation. By removing any parameters that define a service, the proposed rule precludes any ability of local leaders, state policymakers, and researchers to track settings to determine which are effective. More importantly, removing definitions and standards for services also disempowers parents seeking to make informed school choices on behalf of their children.

Other special groups, such as students with disabilities and students in danger of retention according to the third grade reading guarantee, are required to have access to services that meet specific parameters. Districts have a menu of acceptable options for serving these students and are free to create variations within these basic parameters. Operating standards for gifted students should follow a similar model.

Additionally, the gifted performance indicator specifically measures the level of services provided by districts as one of the elements. By allowing districts to define what services are, the draft standards would remove an important incentive for districts to provide substantive research-based services.

OAGC recommends that service and instructional settings in the 11.11.13 draft be reinstated with some additions to ensure that gifted students are not merely given a “checklist Written Education Plan (WEP).” There are some general education settings that are required in ORC that should also be adequately referenced by the operating standards, such as Advanced Placement, early entrance, and College Credit Plus.

OAGC also recommends that “guidance,” as a stand-alone service, be deleted from the 11.11.13. Supports for gifted students’ social and emotional development would be included as part of the WEP, so the guidance option is not needed as a separate category of service.

Finally, ORC language should be included that requires districts to pay for any gifted services that are reported to ODE.

3. Remove the provision that untrained general education teachers provide gifted service unless it is an accelerated classroom.

Rationale: The research strongly shows that, even with training, the vast majority of general educators teachers do not regularly differentiate instruction or curriculum for gifted students in general education classrooms. (Westberg, Archambault, & Brown, 1997; Reis & Westberg, 1994). A study commissioned by ODE conducted by Laurence Coleman at the University of Toledo reported similar findings based on surveys and field observations in Ohio schools. VanTassel-Baska and Stambaugh (2004) reported that, despite sustained good faith efforts in many schools, teachers who consistently differentiate for gifted students in general education settings are few and far between.

A large analysis of academic achievement of gifted students in a variety of settings by the National Research Center for the Gifted and Talented (1994) also reported that gifted students in educational settings that did not either utilize ability grouping with other gifted students or whole course acceleration fared poorly. Gifted students receiving services in non-grouped general education settings do not significantly outperform gifted students receiving “no service.”

OAGC strongly supports continued efforts to help general education teachers differentiate for gifted students in their classrooms. However, the evidence in Ohio and nationally suggests that this setting is not conducive for adequately meeting the needs of gifted students by itself and therefore asks that it be removed as a recognized form of “service” to encourage greater use of effective (and cost-effective) options like readiness grouping and academic acceleration. This change was already incorporated into the 11.11.15 draft.

4. Reinstate gifted coordinator and intervention specialist qualifications from current standards for both districts and ESCs and ensure that all gifted instructors are provided high quality professional development.

Rationale: Gifted license and endorsement requirements adopted by Ohio were based on professional standards developed by the National Association for Gifted Children and the Council of Exceptional Children based on a comprehensive review of research regarding the knowledge and skills needed to develop effective curriculum and provide effective leadership for gifted education programs.

Ohio colleges and universities that provide gifted endorsement programs are required to teach and assess the specialized knowledge and skills embodied in the endorsement standards. These standards include understanding critical developmental and learning differences between gifted and other students, advanced knowledge of assessment for identification, including how cultural and economic factors can influence how giftedness is manifested and how talent can develop, specialized curriculum design models, and research on the effectiveness of major service models with various subpopulations of gifted students. These topics are rarely introduced and almost never explored in general educator training programs.

By allowing educators without gifted education endorsements to serve as gifted intervention specialists and gifted coordinators, the draft standards devalue this essential professional knowledge of trained gifted educators and remove a key incentive for districts to prioritize employing staff with the expertise needed to administer and deliver effective gifted services. Further, adopting the draft language would send a message that the State Board of Education does not recognize gifted students as a population with special educational needs.

This use of unqualified professionals is not allowed for any other special population, including students with disabilities, English Language Learners, and students at risk of failing 3rd grade. Preliminary data from a new survey on the amount of training classroom teachers receive who are reported as providing services to gifted students show that over two-thirds of these teachers receive less than five clock hours of gifted training. Almost 20% receive no training at all. This is no substitute for the advanced coursework received by trained gifted professionals.

We have also already witnessed the elimination of coordinator services from many districts across the state. Principals, counselors, and other administrators are inappropriately assuming that title with their many other duties. Some of these individuals have no understanding of gifted students and have no ability to appropriately review the work of a gifted intervention specialist. Many are caring educators who would like to understand their new role but do not have adequate time to be trained on even the basics of identification and state reporting, let alone the more critical elements of understanding the nature and needs of gifted learners and development of appropriate curriculum. Sadly, there are also those who do not realize what they do not know and make programmatic decisions based on long held misunderstandings based on anecdotes and myths rather than sound psychological and educational research.

Therefore, OAGC recommends that the gifted operating standards align with the state's gifted endorsement standards, and remove the ability of districts to determine when educators are "qualified" to serve as gifted educators on their own.

5. Incorporate funding parameters to ensure funds earmarked for gifted education are used as intended in Ohio Revised Code.

Rationale: Districts, under the 11.11.13 and the 9.11.15 drafts can spend gifted funds as they wish, which is contrary to Ohio Revised Code. Funding accountability is referenced several times in O.R.C. including sections 3301.07, 3317.022, 3317.051, and 3317.40. Taxpayers and parents have a right to know that the funds allocated for this population are being spent to serve them. Gifted children become the educational paupers when funding intended to further their education is reallocated to other programs. Almost half of Ohio's districts report spending less on gifted students than the state funding they receive. The lack of funding accountability language sends a distinct message that serving these students is not a priority for Ohio.

OAGC recommends that the standards include two sections relate to gifted funding. The first would be for districts under the district formula in ORC. The second would be for ESCs in the unit funding formula outlined in ORC. Currently, all districts receive gifted funds. The public has a right to expect that state gifted dollars are spent appropriately on gifted students as required in ORC.

The second area of change would address funding accountability. It is important to balance the intent of both the General Assembly and the governor with the ultimate goal of ensuring the needs of gifted children are met in each district.

To that end, OAGC recommends compromise funding accountability language that addresses both the concerns expressed by Representative Amstutz in his letter to the State Board in October 4, 2013, as well as Governor Kasich, who, in 2013, indicated through his veto of specific gifted staff levels that he wishes to provide more flexibility for gifted funding.

OAGC recommends language requiring that funds be spent from the district gifted formula for identification, coordination, and gifted intervention specialists, which Rep. Amstutz indicated was the intent of HB 59. However, we are not requesting language with a requirement that specific levels of personnel be hired or contracted, which was the expressed concern in the governor's veto language.

If funding is not addressed, JCARR may reject these operating standards given the letter of legislative intent from Rep. Amstutz.

6. Reinstate instruction time requirement for gifted intervention specialist from current standards.

Rationale: The current operating standards require that gifted intervention specialists spend at least 75% of their time with gifted students. This provision in the current standards was to ensure that the gifted intervention specialists were actually teaching gifted children, which was a problem before the 2008 gifted operating standards were adopted. The removal of this language removes the guarantee that gifted students will actually be the recipient of trained gifted intervention specialist support if the district employs staff for that purpose. There is no educational reason for this removal.

Even in districts that provide great support and resources to gifted education, building administrators often turn to these teachers to pull extra non-instructional duties or lead academic intervention groups for struggling students. Teachers are pulled to coordinate spelling bees and other short term enrichment activities for select students rather than meaningful instruction designed for the population of gifted learners. Without this time requirement, gifted intervention specialists may become overpaid instructional assistants rather than fulfilling the necessary role of teacher for which they were hired.

OAGC believes that the 75% rule supports the integrity of services while providing reasonable flexibility for school districts. Therefore, OAGC recommends that this requirement be reinstated.

7. Reinstate provisions that require ODE to perform audits and allow ODE to remove funds of non-compliance from current standards, as stipulated in ORC.

Rationale: ORC section 3324.05 requires ODE to audit districts every three years for compliance with identification laws. In addition, it stipulates sanctions for districts that are in non-compliance. The removal of this provision defies the intent of Ohio Revised Code. It underscores the fact ODE has not fully complied with this statute for decades. Districts are not audited every three years on gifted identification and services, which is why too many districts

do not even comply with basic identification laws. While ODE has performed limited audits over the years, it has never been in full compliance with the law, which could be an issue for the Auditor of the State to review. Audits and the threat of sanctions are major tools in the compliance/technical assistance toolbox that ODE has used on a very limited basis. ODE has in the past threatened to withhold funding for districts chronically out of compliance with gifted laws. The threat of such resulted in positive changes for gifted students in multiple districts over the years. The removal of this provision is unfortunate. As gifted services are not mandated, there is very little else to ensure districts comply with other requirements in the law.

There is evidence that rather than improving this situation, that compliance has become even more lacking. Up until the 2013-2014 school year, ODE posted the results of on-site gifted audits in the gifted area of the ODE website. Unaccountably, it appears ODE stopped performing on-site gifted audits after the 2012-2013 school year. To date, there has been no official response as to why. This is despite the fact that almost 5% of Ohio's districts (over 600 ADM) do not report enough gifted students to receive a gifted value-added subgroup score or gifted performance index score. There are multiple districts that do not report any identified gifted students. This would be a strong indication that many districts are out of compliance with the gifted identification law and are misusing gifted identification funding. Almost one-quarter of Ohio's districts do not provide any gifted services. Removal of the language in the operating standards that compels ODE staff to continue to perform the gifted audits and to stipulate sanctions for districts out of compliance signals to districts that ODE and the State Board of Education do not plan to hold districts accountable for laws regarding gifted students. Districts, as well as ODE staff, look to operating standards, not ORC, to guide practices. The 9.11.15 draft devolves things to a point where it appears the State Board of Education is disempowering itself and ODE to a point where neither body will be able to provide leadership on gifted education issues or meet their responsibilities related to stewardship of state fiscal resources.

OAGC recommends that all audit and compliance language with regard to gifted education be reinstated.

- 8. Incorporate data collection on specific inputs to determine effect of services. In addition, the results of the gifted performance indicator should be incorporated into an annual report outlining the condition of gifted education in the state without limiting the gifted performance indicator to the current elements.**

Rationale: One of the bright spots in the draft standards passed by the Achievement Committee on 11.11.13 was the inclusion of additional data collection on specific inputs to determine the effect of gifted services as well as an annual report on the condition of gifted education. This language is curiously removed in the current 9.11.15 draft. In addition, the 9.11.15 gifted operating draft limits the elements of the gifted performance indicator to those currently included. As the indicator is new and scheduled to be updated in the next year or so, it does not make sense at this time to limit the indicator to only value-added, state assessments, and service levels.

Limiting the elements in the operating standards also counters the intent of the Gifted Indicator Work Group who, in the course of the meetings while developing this indicator, discussed the need for ongoing review as data emerged and as new state assessments were introduced. Specifically, the March 25 and May 7, 2014, meetings included conversations with all

stakeholders agreeing a review would be needed to determine the appropriateness of thresholds following the initial data from PARCC assessments and to consider the role other elements, such as fiscal accountability and use of acceleration practices, might play in future iterations of the indicator. The 9.11.15 draft ties the hand of the State Board of Education to re-evaluate the indicator on a timely basis and revise it with necessary components without having to also revise the gifted operating standards.

For the benefit of gifted children, ODE and the public should be able to determine if districts are implementing the operating standards with integrity. As Ohio moves to a more outputs-driven system, more data to assess the effectiveness of gifted services is required, not less. Based on the 11.11.13 draft, OAGC recommends that this section be revised to incorporate more data elements to be collected and reported to the public so that districts are fully transparent about what services are being offered by whom and what the results are if they can be determined.

9. Increase the scope and depth of the written education plan (WEP). Also, require that a gifted coordinator or gifted intervention specialist collaborate on the writing of WEPs.

Rationale: Because of the unique academic, cognitive, social, and emotional needs of gifted children, individuals without gifted licensure are not equipped to develop appropriately rigorous goals or select relevant instructional strategies and progress measure. It is highly inappropriate to have untrained personnel develop written education plans for gifted students.

The Gifted Advisory Council recommended a number of changes to the WEP process to strengthen them. The draft standards approved by the committee on 11.11.13 incorporated some of these changes. OAGC recommends reinstating the language from the 11.11.13 operating standards draft with the additional provision that districts shall attempt to obtain a parent signature as well as a provision supporting the social emotional needs of gifted students that is included in the 9.11.15 draft.

10. Revise the whole grade testing primary level band from K-3 to K-2 and limit the testing in this initial grade band to superior cognitive ability and specific academic areas of math and reading. In addition, incorporate the deleted elements from the identification section that is required in ORC and which exists in the current operating standards.

Rationale: Appropriate screening and identification of students who are gifted is an essential component of ORC and is the foundation upon which gifted services are built. It is poor public policy to remove large sections of current operating standards that serve as best practice for districts to follow, and it will ultimately hurt children. Some of the provisions removed will ensure that many gifted students will not be identified, fall through the cracks, or be subjected to inappropriate assessments. General statements that procedures need to be “comprehensive” are not adequately specific. OAGC supports the goal of comprehensiveness, but believes this should be operationally defined in the standards to support clarity and equity.

The Gifted Advisory Council recommended that several changes be made to the identification section in the current operating standards, including two whole grade levels of testing, including one during the early years, changes to 90 day referral language, and other language supporting parents and students. The 11.11.13 incorporated many of these provisions, which have been removed from the 9.11.15 draft.

OAGC strongly supports the inclusion of two whole grade levels of testing. In fact, compelling new research (Card & Giuliano, 2015) indicated that whole grade screening will ensure that more minority and economically disadvantaged students will be identified as gifted, as general education teachers typically under refer students from minority and economically disadvantaged subgroups yet these same students perform at gifted levels on whole grade screening instruments. OAGC recommends two changes based on data from the gifted performance indicator and best practice. Data show that gifted students are highly unlikely to be referred for screening in the early grade levels of K-2, which means they are unlikely to be identified and served. Early intervention for gifted learners has been shown to lead to long term success, and lack of early gifted services can lead to underachievement, disengagement from the educational process, and even higher dropout rates. This is especially bad news for at-risk students in urban districts. Conducting whole grade screening in an early grade maximizes opportunity for economically disadvantaged students to be identified in specific academic areas using achievement-focused assessments because state and national assessment data show that achievement gaps between disadvantaged and non-disadvantaged students are smallest in the early grades.

Therefore, OAGC recommends that the primary level whole grade testing be moved from K-3 to K-2 to support earlier identification. OAGC also recommends that this initial testing be limited to superior cognitive ability and the specific academic areas of math and reading. Science and social studies are often intertwined with math and reading instruction at the primary grades. Limiting the whole grade testing requirement to superior cognitive ability, math, and reading, strikes the balance between limiting the amount of required testing for our younger students while still ensuring there is an opportunity to identify high ability students from all demographic subgroups.

11. With the reinstatement of service parameters as described above, incorporate waivers on the basis of performance on multiple measures including but not limited to the gifted performance indicator. In addition, include language from ORC that allows ODE to remediate and reconstitute gifted services in districts that are chronically failing.

Rationale: As all quality elements of service and staffing are eliminated in the 9.11.15 draft, no waivers are required. In essence, all laws and rules have been automatically waived for all districts, regardless of their track records with respect to effectively serving this population. OAGC recommends that some of the waiver provisions outlined in the 11.13.13 draft be revised based on the gifted performance indicator and reincorporated into a new draft. This would be contingent on the acceptance of the recommended standards for service and staffing advocated by OAGC.

Also, OAGC recommends that additional accountability provisions be included from ORC.3317.40 (D), which states that, if a district does not meet the gifted performance standards of satisfactory achievement adopted by the state board of education for two consecutive years, the department shall require the district or school to submit an improvement plan in response to conditions. This type of requirement is already in place for special education and programs for English Language Learners. This would be familiar for districts if implemented for gifted education. If the district fails to improve to a satisfactory level in an additional two years, the department shall direct the district to partner with another organization that has demonstrated the ability to improve the educational outcome for that subgroup of students to provide services

to those students. The partner organization may be another school, district, or other education provider. This language would be fully in line with the ODE's position that districts that are chronically non-performing should be reconstituted.

12. Reinstate the district service plan as required by ORC.

Rationale: ORC 3324.07 requires districts to submit an annual service plan and allows the state superintendent to require districts to implement the plans. Effectively, it gives the state superintendent the authority to mandate gifted services. While the current superintendent may not wish to use this authority, future superintendents may. This language should stay in the operating standards to preserve the authority of the superintendent and State Board of Education.

13. Reinstate identification and service definitions as outlined in current operating standards 3301-51-15 and adjusted to some extent in the draft passed by the State Board of Education Achievement Committee on 11.11.13.

Rationale: The 9.11.15 draft gifted operating standards removes basic definitions and general statements regarding gifted education that serve to clarify other areas of the document. ORC and OAC language typically provides a definition section and overarching general statements (in the case of OAC) to ensure that the document is interpreted correctly and that proper guidance is provided to districts. There is no reason to remove these sections from the operating standards, and the removal could cause confusion at the district level. For the sake of clarity, OAG recommends that these sections be reinstated as outlined in the 11.11.13 draft.