

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (1) (a)

**INTENT:** To define criteria for gifted identification in the superior cognitive area.

### **REQUIREMENT**

(1) Definition

The board of education of each district shall identify gifted students enrolled in that district in grades kindergarten through twelve 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 or certified school psychologist or 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.

### **TECHNICAL ASSISTANCE**

Schools and districts should use only tests on the approved list. These tests should be administered according to the standardization and administration requirements described in the technical manual supplied by the test publisher.

Initial identification must be based on an identification instrument result no older than 24 months. Please note that there is no provision in the law to "un-identify" a student. As such, there is no need to "re-identify" a student.

To find the Chart of Approved Assessment Instruments for Gifted Screening and Identification, search the term *gifted identification* on the Ohio Department of Education (ODE) Web site. For more details on the Fair Use of Tests search the term *fair testing* on the ODE Web site.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (1) (b)

**INTENT:** To define criteria for gifted identification in specific academic areas: mathematics; science; reading, writing or a combination of these skills; and/or social studies.

### **REQUIREMENT**

- (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.

### **TECHNICAL ASSISTANCE**

Schools and districts should use only tests from the ODE Chart of Approved Assessment Instruments for Gifted Screening and Identification. Users can access the list by searching the term *Chart Approved Assessments* on the ODE Web site.

The tests used should be appropriate for the population of students in the school and should accurately test the intended skills. The goal of the evaluation is to identify superior ability in a content area.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (1) (c)

**INTENT:** To define criteria for gifted identification in the creative thinking area.

### **REQUIREMENT**

- (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.

### **TECHNICAL ASSISTANCE**

Instruments for measuring intelligence and creative behavior may be found on the ODE Chart of Approved Assessment Instruments for Gifted Screening and Identification. Users can access the list by searching the phrase *Chart Approved Assessments* on the ODE Web site.

Testing for creativity requires the assessment of behaviors that may not appear on a traditional test. Educators are to use the checklist to further describe the talent exhibited by the student. Students may exhibit creativity in a variety of ways and in any domain.

It should also be noted that the behavior checklist for this category should be completed by someone who is well acquainted with the student being evaluated.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (1) (d)

**INTENT:** To define criteria for gifted identification in a visual and performing arts area: drawing, painting, sculpting, music, dance and drama.

### **REQUIREMENT**

- (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

### **TECHNICAL ASSISTANCE**

ODE designed the *Handbooks for Identification of Students Who Are Gifted in the Visual and Performing Arts* to assist schools and districts in the identification process for this category. These handbooks can be accessed by searching the term "Handbook Gifted" on the ODE Web site.

The list of approved behavior checklists for arts identification can be accessed by searching the phrase "Chart Approved Assessments" on the ODE Web site.

The performance/portfolio assessment rubric for dance, drama, music and visual arts is found in the respective handbook for each area.

It is imperative that only experts assess portfolios and performances to ensure quality in identifying superior ability in the particular arts area(s).

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (2) (a)

**INTENT:** To ensure the identification of students who are gifted as required in law. A plan must be filed with the Ohio Department of Education.

### **REQUIREMENT**

(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.

### **TECHNICAL ASSISTANCE**

This paragraph directs school districts on the requirement to file a plan according to the law. It does specify that the plan must be approved by the local board of education, which assures the authenticity of the document.

Districts can find forms for updating gifted identification plans by searching the term *submitting gifted* on the ODE Web site.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (2) (b)

**INTENT:** To define what should be included in the gifted identification plan.

### **REQUIREMENT**

- (b) The department of education shall approve the plan within sixty days if it contains -all of 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) In the case of children who have requested assessment or who have been recommended for assessment by teachers, parents, or other children, at least two opportunities a year for assessment;
    - (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 of receipt of assessment results 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 accept assessment results from other districts or from trained personnel outside the district, as equivalent to district testing as set forth in paragraph (C)(1) of this rule (identification) 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 the student meets the criteria specified in paragraph (C)(1) of this rule (identification). Districts shall not alter eligibility through any consideration or computation other than as set forth in paragraph (C)(1) of this rule (identification).

### **TECHNICAL ASSISTANCE**

The points in this section are not new, but are of particular interest to those districts that are implementing a new plan or considering a revision of their current plan. Readers should be sure they understand these specific points:

- Two opportunities for assessment and timely assessment of transfer students
- Assessment includes under-represented populations
- Parent notification of all results and opportunity to appeal

Acceptance of testing results from other districts or other qualified providers, if they have been appropriately administered.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (2) (c)

**INTENT:** To define the process for revising and approving the district gifted identification plan.

**REQUIREMENT**

- (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.

**TECHNICAL ASSISTANCE**

Users may find documents outlining the process for revising an identification plan on the ODE gifted students Web site or by searching the term *revising gifted* on the ODE main Web site.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (3) (a)

**INTENT:** The purpose of this section is to define the rights and responsibilities of students, parents and schools with regard to gifted screening and identification.

### **REQUIREMENT**

(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.

### **TECHNICAL ASSISTANCE**

Districts should develop materials for parents that clearly describe referral, identification criteria and procedures for placing students in gifted services provided by the district.

District policy should assure equal access to opportunities for gifted screening, identification and service options. For more information about service options, see the Service Section of the Operating Standards, OAC 3301-51-15 (C) (4).

Information provided to parents should describe the district appeals process.

The department offers assistance to districts by providing templates for brochures that can be sent to parents. To access these, search the term *gifted brochure* on the ODE Web site.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (4) (a)

**INTENT:** To ensure the comprehensiveness of district identification plans.

**REQUIREMENT**

- (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(s) of gifted ability.

**TECHNICAL ASSISTANCE**

The district's identification plan must address each category of gifted identification at every grade level.

The approved list from which districts may select tests and assessments is the ODE Chart of Approved Assessment Instruments for Gifted Screening and Identification. Users can access the list by searching the phrase *Chart Approved Assessments* on the ODE Web site.

## **Section C: Identification**

**LEGAL CITATION:** OAC 3301-51-15 (C) (4) (b)

**INTENT:** To ensure that tests used for gifted identification are fair, valid and administered by qualified individuals.

### **REQUIREMENT**

- (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 and populations for which they are used; and
  - (iii) Are administered by qualified personnel in conformance with the instructions provided by their producer.

### **TECHNICAL ASSISTANCE**

The fact that an instrument appears on the ODE Chart of Approved Assessment Instruments for Gifted Screening and Identification does not guarantee that it is appropriate for a particular student or every situation.

Those who are responsible for administering screening and identification efforts must be knowledgeable about the ethical practices related to testing and assessment. They must follow the standard administration procedures described in the technical manual for the testing instrument.

Districts should also ensure that gifted identification efforts are consistent with Ohio Administrative Code Section 3301-7-01, which addresses the ethical use of tests.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (4) (c-d)

**INTENT:** To outline the issues related to screening and identification of special populations of gifted students.

### **REQUIREMENT**

- (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 ensure 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.

### **TECHNICAL ASSISTANCE**

No single test is appropriate for use with all students.

District personnel who administer tests should understand all recommendations for standard and nonstandard administration stated in the publisher's technical manual.

When selecting tests for use with special populations of gifted students, it is important that tests be selected to measure the optimal performance of each student. For example, when working with a student with an IEP, districts must select a test that makes the accommodations that are specified on that student's plan.

## Section C: Identification

**LEGAL CITATION:** OAC 3301-51-15 (C) (4) (e)

**INTENT:** To require the department of education to develop and maintain a current list of approved instruments.

**REQUIREMENT**

- (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.

**TECHNICAL ASSISTANCE**

The most updated list from which districts may select tests and assessments, the ODE Chart of Approved Assessment Instruments for Gifted Screening and Identification, can be accessed by searching the phrase *Chart of Approved Assessments* on the ODE Web site.

Districts can obtain Information about the procedures used to select assessment instruments by searching the term *submitting gifted* on the ODE Web site.