

Regulations and Program Approval Standards

210:15-23-1. Responsibilities of school districts and local boards of education in providing for a gifted and talented program.

The local board of education is responsible to provide gifted and talented educational program for all identified gifted and talented children who reside in the district. Gifted and talented educational programs must include multiple programming options which are matched with student's identified needs and interests.

210:15-23-1.2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates others:

"Children who reside in the district" means children who are legally enrolled in the district.

"Students who score in the top three percent (3%) on any nationally standardized test of intellectual ability" means a composite, total or full scale score in the 97th percentile or above, including the standard error of measure as denoted in each nationally standardized test of intellectual ability technical manual.

"Composite, total or full scale score" means the total of all components or subtest scores as defined in the technical manual of the nationally standardized test of intellectual ability. Subtest scores themselves do not constitute a composite, total or full scale score.

210:15-23-2. Procedural safeguards for the identification of students for gifted education programming

(a) Gifted and talented children shall be identified consistent with 70 O.S. 1210.301 for the purpose of funding through the gifted educational child count.

(b) Identification procedures are clearly stated and uniformly implemented.

(c) Student placement decisions in the capability areas are based on multiple criteria.

(d) Procedures used in the identification process are nondiscriminatory with respect to race, economic background, national origin or handicapping condition.

(e) Written identification and placement procedures include parental involvement.

(1) Parents grant permission for individual testing.

(2) Local Gifted Educational Plan includes a procedure for parents to appeal a placement or nonplacement decision with which they disagree.

(f) Identification of gifted students is an ongoing process extending from school entry through grade twelve.

(1) Opportunities are provided for students to be considered for placement in gifted programs throughout their school experience. Students' placement in programming options is based on their abilities, needs and interests.

(2) Identification of students based on a nationally standardized test of intellectual ability is valid for a minimum of three years and may be valid for the student's educational experience.

(3) Procedures for the consideration of identification and placement of a pupil who was identified as gifted and talented in another school district are developed and implemented.

(4) Evaluation of the appropriateness of students' placement in gifted educational programming shall be ongoing.

(5) Written policies for removal from a programming option include a procedure for conferencing with parents relative to any change in placement.

(6) Strict confidentiality procedures are followed in regard to records of placement decisions and data on all nominated students.

(7) Records of placement decisions and data on all nominated students are kept on file for a minimum of five years or for as long as needed for educational decisions.

(8) Appropriate documentation for students scoring in the top three percent (3%) on a nationally standardized test of intellectual ability shall include, but is not limited to, individual student test composite score reports, written permission to test (required for individual ability tests), parental approval of program placement decisions.

210:15-23-7. Qualifications of gifted child educational program staff

Gifted educational program coordinators and teachers shall participate in inservice training or college training designed to educate and assist them in the area of gifted education.

210:15-23-9. Process for appeal of penalty.

Districts against which a penalty is assessed as required under Part B of 70 O.S. 1210.303 or OAC 210:15-23-10, may appeal to the State Board of Education by:

(1) An intent to appeal must be filed with the Director of Gifted Education within 30 days following receipt of notification that the gifted child educational program is not in compliance with State Board rules and 70 O.S. 1210.301 through 308; S.L. 904-910.1 Education of Gifted and Talented Children Act.

(2) The appeal will be brought to the State Board for their review and consideration at the next regularly scheduled meeting following receipt of notification of intent to appeal if notification is received at least ten working days prior to the next regularly scheduled board meeting.

(3) The State Department of Education will review for the State Board the information upon which the penalty is assessed. The school district found to be in noncompliance will be given an opportunity to provide information to the State Board to refute the penalty.

(4) Upon review of the information presented by the State Department and school district, the State Board will either uphold or overturn the penalty.

210:15-23-10. Process for appeal of penalty

Any school district who fails to submit an expenditure report to the State Department of Education by August 1 of each school year as required by 70 O.S. § 1210.307(D) shall have State Aid for gifted and talented programs withheld pursuant to 70 O.S. § 3-104(13) until all reporting requirements have been met.