

Oregon Administrative Rules Talented and Gifted

581-022-1310

Identification of Academically Talented and Intellectually Gifted Students

(1) Each school district shall have local district policies and procedures for the identification of talented and gifted students as defined in ORS 343.395 who demonstrate outstanding ability or potential in one or more of the following areas:

(a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

(b) Unusual academic ability in one or more academic areas.

(2) The policies and procedures must meet the following requirements:

(a) Districts shall make efforts to identify students from ethnic minorities, students with disabilities, and students who are culturally different or economically disadvantaged.

(b) A team shall make the final decisions on the identification of students using the information collected under paragraphs (c) and (d) of this section. No single test, measure or score shall be the sole criterion. A record of the team's decision, and the data used by the team to make the decision, shall become part of the education record for each student considered.

(c) Districts shall collect behavioral, learning and performance information and include the information in all procedures for the identification of students.

(d) The following measures and criteria for identifying the intellectually gifted and the academically talented shall be used by the team:

(A) Intellectually gifted students shall score at or above the 97th percentile on a nationally standardized test of mental ability; and

(B) Academically talented students shall score at or above the 97th percentile on a test of total reading or a test of total mathematics from a nationally standardized test battery, a nationally standardized test of reading or mathematics, or a test of total reading or total mathematics on the Oregon Assessment of Knowledge and Skills

(e) Despite a student's failure to qualify under paragraphs (d) (A) and (B) of this subsection, districts, by local policies and procedures, shall identify students who demonstrate the potential to perform at the 97th percentile.

(3) School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and procedures, if the

students demonstrate outstanding ability or potential in one or more of the following areas:

- (a) Creative ability in using original or nontraditional methods in thinking and producing.
- (b) Leadership ability in motivating the performance of others either in educational or noneducational settings.
- (c) Ability in the visual or performing arts, such as dance, music or art.

Stat. Auth.: ORS 343.391 - 343.413

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 6-2009, f. & cert. ef. 6-29-09

581-022-1320

Rights of Parents of Talented and Gifted Students

In carrying out the requirements of OAR 581-022-1310 and OAR 581-022-1330, the school district shall:

- (1) Inform parents at the time of the identification of the child and the programs and services available.
- (2) Provide an opportunity for the parents to provide input to and discuss with the district the programs and services to be received by their child.
- (3) The parents may, at any time, request the withdrawal of their child from programs and services provided under OAR 581-022-1320. The school district shall notify parents of identified students of this right.
- (4) Parents shall be informed of their right to file a complaint under OAR 581-022-1940.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 343.391 - ORS 343.413

Hist.: EB 18-1996, f. & cert. ef. 11-1-96

581-022-1330

Programs and Services for Talented and Gifted Students

- (1) Each school district shall have a written plan for programs and services beyond those normally provided by the regular school program in order to realize the contribution of talented and gifted children to self and society.
- (2) The written plan for programs and services for talented and gifted children shall be submitted to the Oregon Department of Education on a date and in a format provided in guidance documents provided by the Oregon Department of Education.

(3) The written plan shall include, but is not limited to:

(a) A statement of school district policy on the education of talented and gifted children;

(b) An assessment of current special programs and services provided by the district for talented and gifted children;

(c) A statement of district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;

(d) A description of the nature of the special programs and services which will be provided to accomplish the goals; and

(e) A plan for evaluating progress on the district plan including each component program and service.

(4) The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.

(5) Assessments for the development of an appropriate academic instructional program shall include the information used by the team for identification purposes and also may include one or more of the following:

(a) An academic history which may include grades, portfolio assessment records or other progress records and achievement information that demonstrates the student's level of learning and rate of learning;

(b) Other evaluation methods such as formal tests or informal assessment methods designed by teachers to determine the student's instructional level and rate of learning related to specific academic programs;

(c) Student interest, style, and learning preferences information from inventories or interviews; and

(d) Other measures determined by the school district to be relevant to the appropriate academic instructional program for the student.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 343.391 - 343.413

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 6-2009, f. & cert. ef. 6-29-09; ODE 20-2011, f. & cert. ef. 12-15-11

581-022-1510

Comprehensive Guidance and Counseling

(1)(a) District Comprehensive Guidance and Counseling. Each school district shall provide a coordinated comprehensive guidance and counseling program to support the

academic, career, personal/social, and community involvement development of each and every student. The district shall:

(b) Adopt comprehensive guidance and counseling program goals that assist students to:

(A) Understand and utilize the educational opportunities and alternatives available to them;

(B) Meet academic standards;

(C) Establish tentative career and educational goals;

(D) Create and maintain an education plan and education portfolio;

(E) Demonstrate the ability to utilize personal qualities, education and training, in the world of work;

(F) Develop decision-making skills;

(G) Obtain information about self;

(H) Accept increasing responsibility for their own actions, including the development of self-advocacy skills;

(I) Develop skills in interpersonal relations, including the use of affective and receptive communication;

(J) Utilize school and community resources.

(K) Demonstrate and discuss personal contributions to the larger community; and

(L) Know where and how to utilize personal skills in making contributions to the community.

(2) School Comprehensive Guidance and Counseling. Each school shall provide a comprehensive guidance and counseling program that serves students K through 12, based upon the Oregon Department of Education's "Framework for Comprehensive Guidance and Counseling Programs for Pre-Kindergarten through Twelfth Grade" which:

(a) Identifies staff responsibilities to plan, design and deliver a comprehensive guidance and counseling program that meets the unique needs of their students and community;

(b) Aligns with the district's school improvement plans;

- (c) Assigns guidance and counseling responsibilities to the appropriate personnel;
 - (d) Expects all school staff to participate in implementing the comprehensive guidance and counseling program;
 - (e) Assists each student to develop, and annually review, an educational plan (a formalized plan and process in which students establish their education, career and life goals, identify learning goals and connect them to activities that will help them achieve their goals) in grades 7-12. and
- (3) Guidance Staff Assignments. Each school district shall maintain a licensed staff and promote effective guidance practices consistent with the district's expected comprehensive guidance and counseling program outcomes. In determining staffing for the program, the following shall be considered:
- (a) Alignment with the American School Counselor Association recommended student to counselor ratio of 250:1;
 - (b) The number of aides or clerical staff assigned to support the implementation of the comprehensive guidance and counseling program.

Stat. Auth.: ORS 326.051 & 329.275

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 19-2008, f. & cert. ef. 6-27-08

581-022-1670

Individual Student Assessment, Recordkeeping, and Reporting

Each district shall:

- (1) Assess and record each student's progress in all subject areas of instruction, including the academic content standards:
 - (a) Instruments and/or strategies used to determine student progress may assess multiple goals;
 - (b) Results from the assessment instruments and/or strategies may be used as a record of achievement level; and
 - (c) Records of student performance may be kept in teacher grade books, student folders, portfolios, or similar devices.
- (2) Assist teachers in adapting instruction and curriculum to meet the needs and learning rates of all students in attaining the goals of the subject area.
- (3) Annually report progress towards completion of graduation requirements to parents of students in grades 9–12.

(4) Report at least annually on student progress in each subject area of instruction to parents or guardians of all students in grades K-12 including, but not limited to, the following:

(a) Information on progress in each subject area (e.g., grades, checklists, folders, etc.) including major goals used to determine such information;

(b) Upon request from a parent or guardian, specific evidence of student progress on the goals of a subject area and

(c) Student scores on all state and local assessments indicating any of the requirements that have been waived for the school district or the individual and the time periods for the waiver.

(5) Maintain student records under the student's legal name or establish a cross-reference system to locate the student's records by use of the student's legal name.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 18-2002, f. & cert. ef. 6-10-02; ODE 25-2008, f. & cert. ef. 9-26-08

581-022-1940 Appeal Procedure

(1) A complainant may direct an appeal of a final decision by a school district to the State Superintendent of Public Instruction if:

(a) The complaint alleges a violation of standards of the Oregon Administrative Rules, chapter 581, division 022; or

(b) A violation of other statutory or administrative rule requirements for which the State Superintendent has appeal responsibilities.

(2) The appeal must be in writing and contain:

(a) The name and address of the person bringing the appeal, and the district in which that person resides;

(b) The name and address of the district which is alleged to have violated standards; and

(c) A brief statement indicating each standard the district is alleged to have violated and how the district is alleged to have violated it.

(3) A decision is deemed final if:

(a) The district has failed to comply with the procedural time limits in its written complaint process;

(b) In a multi-step district complaint process, the district fails to render a written decision within 30 days of the submission of the complaint at each step; or

(c) The district fails to resolve a complaint within 90 days of the initial filing of a written complaint, regardless of the number of steps in the district complaint process.

(4) Upon receipt of the appeal the State Superintendent will determine whether a violation of standards has been properly alleged and the requirements of section (2) of this rule have been satisfied.

(a) If the State Superintendent determines that the facts of complaint, if true, would be a violation of a standard, the appeal will be accepted and the procedures listed in this rule in the following sections will be applied;

(b) If the State Superintendent determines that the complaint, even if true, would not violate a standard, the appeal will not be accepted. In either case, the State Superintendent will give notice of the determination to the complainant and the school district.

(5) Within 30 days of receipt of notice of the State Superintendent's acceptance of the appeal, the district shall submit a written report with the State Superintendent which shall include:

(a) A statement of facts;

(b) A statement of district action, if any, taken in response to the complaint, or if none was taken, the reason(s) therefore;

(c) A stipulation, if one was reached, of the settlement of the complaint; and

(d) A list of any complaints filed with another agency by the party, concerning the subject of the appeal.

(6) The State Superintendent may for good cause extend the time for the filing of a report by the district.

(7) Upon receipt of the district's report, the State Superintendent will investigate the allegations of the complaint to the extent necessary including but not limited to:

(a) Authorizing an on-site investigation; and

(b) Conducting interviews, meetings and surveys and reviewing documents, data and district procedures.

(8) The State Superintendent will issue a written decision within 60 days of receiving the district's report that addresses each allegation in the complaint and contains reasons for the State Superintendent's decision as to whether or not the district is deficient. If the schools of the district are not open during the 60-day period due to summer vacation, the decision shall be issued within 60 days after the beginning of the school year.

(9) Notwithstanding section (8) of this rule, the State Superintendent may extend the time period for issuing a written decision on a complaint to a time period that is more than 60 days if the State Superintendent has the consent of the complainant and the allegation concerns a comprehensive or widespread deficiency and more extensive investigation is needed than may be reasonably completed within 60 days. The State Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and district within two weeks of receiving the district's report.

(10) If a deficiency is found, the State Superintendent's written decision will include any necessary corrective action to be undertaken by the district as well as any documentation to be supplied to ensure that the corrective action has occurred.

(11) If a deficiency is not corrected, the provisions of ORS 327.103 will apply.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 327.103 & 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 31-2007, f. & cert. ef. 12-12-07

581-022-1941

Complaint Procedures

(1) Each school district must establish a process for the prompt resolution of a complaint by a person who resides in the district or by any parent or guardian of a student who attends school in the school district. The process must be in writing and state clearly who within the school district has the responsibility for responding to the complaint.

(2) A school district's complaint procedure must specify the time period during which the complaint will be addressed and a final decision issued. If the complaint procedure has multiple steps, the procedure must establish the time period for each step as well as the overall time period for completing the procedure.

(3) A school district's complaint procedure may distinguish between those complaints that may be appealed under OAR 581-022-1940 and other complaints.

(4) A school district's complaint procedure may include mediation or other alternative dispute resolution processes.

(5) The procedure for hearing and acting on complaints that may be appealed under OAR 581-022-1940 must include the following:

(a) A point at which the decision is final;

(b) A provision for the complainant receive written notice that the district's decision may be appealed to the State Superintendent of Public Instruction under OAR 581-022-1940; and

(c) A written decision that clearly establishes the legal basis for the decision, findings of fact and conclusions of law.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 327.103 & 326.051

Hist.: ODE 31-2007, f. & cert. ef. 12-12-07