

Parents are very important participants in the gifted education process.

Parents have valuable information to contribute about the kinds of programs and services necessary for their child to be successful in school. To ensure the rights of children who are gifted, Pennsylvania has adopted regulations relating to Special Education for Gifted Students found at 22 Pa. Code, Chapter 16. This booklet explains these rules so parents will feel comfortable and can better participate in the educational decision-making process for their child. The following chapters address questions that parents of a child who is gifted or who is possibly gifted may have about their child's education.

CHAPTER 1 focuses on how a child's need for gifted education is determined. In this chapter, the evaluation and decision-making processes are discussed, as well as who the members of the teams are who conduct the evaluations and make the decisions regarding eligibility for gifted education services.

CHAPTER 2 explains how a gifted individualized education plan is developed and what information it must include.

CHAPTER 3 outlines the actions parents can take if they disagree with school officials about their child's education plan. These actions include mediation and due process hearings.

CHAPTER 4 deals with the responsibilities a school district has to a child who is eligible for gifted education services and the child's parents. The school district has specific responsibilities related to confidentiality of school records.

At the end of this booklet are sample letters parents may use when writing to school district officials about their child who is or who may be gifted.

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Chapter 1

Is My Child Gifted?

DETERMINING ELIGIBILITY

As a parent, you are uniquely qualified to know your child's learning strengths and weaknesses. School professionals will utilize your knowledge in designing a Chapter 16 gifted individualized education plan for your child's benefit.

The term mentally gifted is defined in §16.1 (relating to definitions) as "Outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the general education program." your child may be eligible for gifted education if your child:

- Is a year or more above grade achievement level for the typical age group in one or more subjects
- Demonstrates an observed or measured rate of acquisition/retention of new academic content or skills that reflects gifted ability (i.e., how quickly your child learns new concepts or information, and how long he or she remembers it)
- Demonstrates achievement, performance, or expertise in one or more academic areas
- Shows early and measured use of high level thinking skills, academic creativity, leadership skills, intense academic interest areas, communication skills, foreign language aptitude, or technology expertise
- Has documented, observed, validated, or assessed evidence that intervening factors such as English as a second language, disability, gender, race bias, or socio/cultural deprivation are masking gifted ability

SCREENING AND EVALUATION

Your child's school district must have a system to locate and identify all students within the district who are thought to be gifted and in need of specially designed instruction. Each school district's responsibilities include:

- Conducting awareness activities to inform the public of gifted education services and programs
- Informing the public how to request gifted services

PROTECTION- IN- EVALUATION

No one test or type of test may be used as the only measure to determine giftedness. Multiple criteria is required for determining eligibility for gifted services for all students. For example: IQ scores may not be the only measure used for determination.

THE GIFTED WRITTEN REPORT (GWR)

The Gifted Multidisciplinary Team (GMDT) reviews all materials and prepares a Gifted Written Report (GWR) that determines whether your child is gifted and needs specially designed instruction.

If a child is recommended for identification and in need of SDI, then a GWR will be issued and a GIEP meeting scheduled. If a child is not recommended for identification then a GWR will be issued and a gifted team meeting scheduled.

The GMDT, upon reviewing the GWR, determines if your child is eligible under Chapter 16. You may present written information for consideration to the GMDT. The GWR must include the reasons for the recommendations and list the names and positions of everyone who was part of the GMDT.

The entire GMDE process must be completed within 60 calendar days after the school receives the signed Permission to Evaluate Form. If the student is found to be ineligible for gifted services under Chapter 16, a Notice of Recommended Assignment (NORA) will be issued (see page 9).

If you choose not to attend the Gifted Individualized Education Plan (GIEP) meeting, it may be held without you.

DUAL EXCEPTIONALITIES

The term dual exceptionalities refers to a child who is identified as gifted under Chapter 16 and as a student with a disability under Chapter 14. It is not necessary to conduct separate screenings and evaluations, or use separate procedural safeguards processes to provide for a student with dual exceptionalities, as long as the evaluations conducted and the Procedural Safeguards document fulfill the requirements of the Individuals With Disabilities Education Act (IDEA) and Chapter 14. For students with dual exceptionalities, the needs established under gifted status must be addressed in the procedures required for special education in a single Individualized Education Program (IEP).

Chapter 2

How is My Child's Gifted Individualized Education Plan Determined?

Your Child's Gifted Individualized Education Plan

According to Chapter 16, §16.1, gifted education is:

- Conducted in an instructional setting
- Provided in an instructional or skill area
- Provided at no cost to the parents
- Provided under the authority of a school district, directly, by referral or by contract
- Provided by an agency (see Glossary of Terms for definition)
- Individualized to meet the educational needs of the student
- Reasonably calculated to yield meaningful educational benefit and student progress
- Provided in conformity with a Gifted Individualized Education Plan (GIEP)

Your child's school will appoint a GIEP team. **If** the GMDT decides your child is gifted and in need of gifted education, the GMDT writes the Gifted Individualized Education Plan (GIEP) at the meeting.

School districts, according to Chapter 16, shall provide gifted education that:

- Is based on the unique needs of the gifted student, not just on the student's classification.
- Enables the gifted student to participate in acceleration or enrichment programs, or both, as appropriate, and to receive services according to the student's intellectual and academic abilities.

As a parent, you are a GIEP team member. It is important you attend the GIEP team meetings. At least 10 calendar days prior to a meeting, you will receive a written notice of when, where, and why the meeting will be held, and a list of the other people who are invited to attend. **If** you are unable to attend the meeting in person, you may participate via telephone or ask that the meeting be rescheduled

GIEP Timelines

The GIEP must be completed within 30 calendar days after the GMDT issues its written report (GWR). The GIEP must be put into action no more than 10 school days after the GIEP is completed and you have signed the Notice of Recommended Assignment (NORA). For more information on the NORA, see page 9.

Your child's plan is reviewed every year at a GIEP meeting. If requested by you or any other GIEP team member, the GIEP may be reviewed more often.

GIEP Contents

The GIEP team will review the written report and will determine how your child is performing in school now. Under §16.32(d) the GIEP will include a statement of your child's present levels of educational performance (PLEP), annual goals, and the short-term learning outcomes that meet the needs of your child.

- Annual goals will describe what your child can be expected to learn during the year.
- Short-term outcomes are the sequential steps your child must take in order to reach these goals.

The GIEP will also include: specially designed instruction and support services that will be provided to your child; ways for determining whether the goals and learning outcomes are being met; the names and positions of the GIEP team participants; the date of the meeting; projected dates for initiation, anticipated frequency, locations, and anticipated duration of gifted education.

Support Services

Gifted educational placement must be based on the student's needs and may not be based on one or more of the following, according to §16.41(e):

- Lack of availability of placement alternatives
- Lack of availability or efforts to make educational or support services available
- Lack of staff qualified to provide the services set forth in the GIEP
- Lack of availability of space or of a specific facility
- Administrative convenience

The placement must:

- Enable the provision of specially designed instruction based on the student's ability.
- Ensure the student is able to benefit meaningfully from the rate, level, and manner of instruction.

Support Services (Continued)

- Provide opportunities to participate in acceleration or enrichment, or both. These services must go beyond the program the student would receive as part of his or her general education

Educational Placement

Gifted educational placement must be based on the student's needs and may not be based on one or more of the following, according to §16.41(e):

- Lack of availability of placement alternatives
- Lack of availability or efforts to make educational or support services available
- Lack of staff qualified to provide the services set forth in the GIEP
- Lack of availability of space or of a specific facility
- Administrative convenience

The placement must:

- Enable the provision of specially designed instruction based on the student's ability.
- Ensure the student is able to benefit meaningfully from the rate, level, and manner of instruction.
- Provide opportunities to participate in acceleration or enrichment, or both. These services must go beyond the program the student would receive as part of his or her general education.

Caseloads and Class Size

Your child's school must ensure that staff is available to provide gifted support services according to your child's GIEP. The maximum number of students who can be in the gifted class at one time is 20 students.

Effective July 1, 2010, the total number of students who are gifted that can be on the caseload of an individual teacher of the gifted is limited to a maximum of 65 students.

Notice of Recommended Assignment

After the GIEP team develops the GIEP, you will receive a Notice of Recommended Assignment (NORA), Notice of Procedural Safeguards, and Notice of Parental Rights for Gifted Students. The district may send these through the mail or provide them to you in person at the end of the GIEP meeting.

When you sign the NORA, you must indicate your approval or disapproval of the gifted educational placement and plan. The district must have a signed NORA indicating approval before your child can receive gifted and support services.

- **If the NORA is mailed** to you, you have 10 calendar days to return it.
- **If the NORA is given to you at the GIEP meeting**, you have 5 calendar days to return it.
- **If you gave your approval and signed the NORA at the GIEP meeting**, you have 5 days to revoke the approval.

The Notice of Parental Rights for Gifted Students describes your rights and the procedures that safeguard your rights. This document indicates when you should receive a written notice from the school and what the notice should contain. You will also find a section indicating when you must give a written consent to the school district. Dispute resolution options are discussed in detail, and a due process hearing form is attached. There should also be a list of telephone numbers and addresses of resources that are available to help you understand your rights or to become more knowledgeable about gifted education.

Private School Placement

You may choose to have your child who is gifted educated at a private school completely at private expense. You may also choose a home education program for your child who is gifted.

Chapter 3

What if I Disagree With School Officials About my child's Education Plan?

The "Due Process" Rights of Parents

Mediation

Even when parents and school officials try their best to develop and carry out an appropriate plan, disagreements occur. Mediation is a free, voluntary, confidential procedure designed to help parents and school officials reach agreement. Mediation may take place at any time during or before the due process cycle. Discussions are confidential and will not be recorded. The mediator cannot be called as a witness in future proceedings.

If you and school officials agree to try mediation, the Office for Dispute Resolution will arrange for a neutral, specially trained mediator to meet with both sides to hear both points of view regarding the disagreement, separately and together, and to better understand each position.

The mediator will not make a decision on the disagreement. Rather, the mediator will help both parties to reach an agreement. If an agreement is reached, it will be put into writing, placed in your child's education record, and incorporated into the GIEP. A GIEP team meeting must be convened within 10 school days following the agreement. The written mediation agreement is not confidential; however, both you and the school district are bound by the agreement.

As a parent, you are a GIEP team member. It is important you attend the GIEP team meetings. At least 10 calendar days prior to a meeting, you will receive a written notice of when, where, and why the meeting will be held, and a list of the other people who are invited to attend. If you are unable to attend the meeting in person, you may participate via telephone or ask that the meeting be rescheduled.

Information about the mediation process is available by calling the Office for Dispute Resolution at 1-800-879-2301 or on the web at odr-pa.org.

Impartial Due Process hearing

You may request, in writing, an impartial due process hearing if you have concerns about your child's identification, evaluation, placement, or provisions of a gifted education plan. The Commonwealth of Pennsylvania has developed a form for schools to give to parents for this purpose. It is provided at the end of the Notice of Parental Rights.

The school district may also request, in writing, a hearing in order to proceed with an initial evaluation when the district has not been able to obtain your consent. Once due process proceedings have begun, there can be no change in your child's GIEP, evaluation, or placement until the process is complete, unless you and the school agree to a change.

You may be represented by a lawyer and accompanied and advised by individuals with special knowledge or training with respect to students who are gifted. You or your representative must be given access to any educational records, tests, or reports upon which the proposed action is based. Both sides may give the hearing officer written material to consider. A list of material to be used at a hearing must be given to the other side at least 5 calendar days before the hearing.

A hearing with an impartial hearing officer is held within 30 calendar days after the request. The officer cannot work for the school district or local intermediate unit. The hearing is held in the local school district at a place that is reasonably convenient to you. At your request, the hearing may be held in the evening.

The hearing will be open to the public unless you request otherwise, if the request is made at least 5 days before the hearing. A decision will be made based on evidence presented during the hearing. If the hearing is open, only the decision will be available to the public. If it is closed, the decision will be treated as a record of the student and will not be available to the public. Upon request, you may receive a free written transcript of the hearing.

The hearing officer will listen to both sides and then make a written decision. The decision will be mailed to you and school officials within 45 calendar days after the request for the hearing.

If you or the school officials are not satisfied with the decision of the hearing officer the decision can be appealed to a court.

Chapter 4

What Are the School's Responsibilities to My Child and Me Regarding Education Records and Privacy?

Your Child's School Records

All parents are guaranteed the right to see and get copies of their child's public school records within 45 days of asking for them or before any meeting regarding a GIEP or before a due process hearing. Parents are also guaranteed the right to ask for and receive an explanation of any information in the records. You must make a request in writing to your child's principal to see or get copies of these records. You may be charged for the copying of these records.

The law requires that your child's school records be kept confidential. Only someone with a legitimate educational interest in your child can see your child's records. Records cannot be given to anyone outside the school system without your permission unless there is a legal reason for doing so, or they are identified as other school officials who have a legitimate educational interest as identified under the Family Educational Rights and Privacy Act (FERPA). You have the right to have a representative inspect and review the records. Your district must have a procedure for you to follow to correct the records you feel are wrong or misleading.

Basic Rights for Parents

At all times, you as a parent have three rights that underlie all gifted education services your child receives:

- The right to be notified about your child's plan and progress and any changes that take place in either
- The right to approve or reject plans, educational placement, and testing
- The right to privacy

Federal law protects your privacy. Only those who work with your child will see your child's record. The school district must keep a record of parties who access your child's educational records. The record must show the name of person, the date, and the reason the records were accessed.

Sample Letters

The following sample letters may give parents ideas about how to compose letters requesting evaluations or reevaluations. Parents should always keep the welfare of their child in clear focus whenever they communicate with school district officials

Requesting Evaluation

Dear Principal's Name:

I am the parent of your child's full name whose date of birth is month/ day/year. Your child's first name is in the number grade in room number. I am requesting that a multidisciplinary evaluation be carried out to determine if my child is gifted. I understand that I am a member of my child's multidisciplinary team, and I wish to give input to the team. Please let me know how I can participate in this process.

I look forward to the school district providing me with a notice of my parental rights and a Permission to Evaluate form for me to sign. I understand that the evaluation must be completed within 60 school days after the school district receives my signed Permission to Evaluate form. Please contact me if you require any further information. Thank you.

Requesting Reevaluation

Dear Principal's Name:

I am the parent of your child's full name whose date of birth is month/ day/year. Your child's first name is in the number grade in room number and is receiving gifted education. I have concerns about: list specific worries you may have about your child's progress, GIEP goals and objectives, behavior and so forth.

In order to better find out what changes may need to be made in my child's gifted education program or services, I am requesting that a reevaluation be carried out. I understand that I am a member of my child's multidisciplinary team, which conducts the reevaluation, and I wish to give input to the team. Please let me know how I can participate in this process.

Please send me a permission form to sign, and contact me as soon as possible to let me know when the reevaluation will take place. Thank you.

For Additional
Information

Visit the Pennsylvania Department of Education website at
http://www.portal.state.pa.us/portal/server.pt/community/gifted_education/

Requests for
Assistance

Bureau of Special Education
Dr. Shirley Curl, Special Education Advisor
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333
Phone: 717-786-6361
Fax: 717-783-6139
Email: scurl@pa.gov

Bureau of Teaching and Learning
Shirley Black, Division Chief
333 Market Street, 3rd Floor
Harrisburg, PA 17126-0333
Phone: 717-705-6359
Fax: 717-783-3946
Email: sblack@pa.gov

Information on Due
Process and
Mediation

Office for Dispute Resolution
6340 Flank Drive
Harrisburg, PA 17112
Consult Line: 1-800-879-2301 (in PA—Toll Free)
800-222-3353 (Office of Mediation/Dispute Resolution)
800-541-4960 (Pennsylvania Training and Technical Assistance
Network)
Fax: 717-657-5983

Information About
Gifted Education
Advocacy

Pennsylvania Association for Gifted Education (PAGE)
PAGE Help Line: 888-736-6443
PAGE Web Site: www.giftedpage.org

AGENCY: An intermediate unit, school district, area vocational technical school, state-operated program or facility, or other public or private organization providing educational services to gifted students or students thought to be gifted.

CHAPTER 14: Regulations regarding students with disabilities in Pennsylvania.

CHAPTER 16: Regulations and rules regarding students who are gifted in Pennsylvania.

GIFTED INDIVIDUALIZED EDUCATION PLAN (GIEP): The plan written by the GIEP team (including parents) that specifically describes the education to be provided to a student who is gifted.

GIFTED MULTIDISCIPLINARY EVALUATION (GMDE): The evaluation process used to gather information that assists in determining if a child is mentally gifted, according to the state definition, and is in need of specially designed instruction. The evaluation should look at information relevant to the student's suspected giftedness including academic functioning, learning strengths, and educational needs.

GIFTED MULTIDISCIPLINARY TEAM (GMDT): A team of educators, other professional individuals, and the child's parents that reviews all formal testing of a child and all other evaluation material. The GMDT must issue a written report recommending whether the child is gifted and making suggestions about the programs and services needed.

GIFTED STUDENT: A student who is exceptional because the student meets the definition of "mentally gifted" and needs specially designed instruction beyond that required in general education.

GIFTED WRITTEN REPORT (GWR): The report that is compiled and written by the gifted multidisciplinary evaluation team (which includes parents) following a multi-disciplinary evaluation. It contains all of the information gathered by various team members, as well as the results of assessment.

MENTALLY GIFTED: Outstanding intellectual and creative ability, the development of which requires specially designed instruction not ordinarily provided in the general education program.

NOTICE OF RECOMMENDED ASSIGNMENT (NORA): Notice of recommended assignment in which the parent receives the educational placement for your child. You will be asked to sign the NORA to indicate your agreement or disagreement with the school district's recommendations.

SPECIALY DESIGNED INSTRUCTION: Adaptations or modifications to the general curriculum instruction, instructional environments, methods, materials, or a specialized curriculum for students who are gifted.

