

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 gifted children, additional rules have been made. This page explains these rules so parents will feel comfortable and can better participate in the educational decision-making process for their child.

IS MY CHILD GIFTED?

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 gifted education program for your child's benefit.

Mentally gifted is defined as "outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program." Your child may be eligible for gifted education if your child:

- Is a year or more above grade achievement level for the normal age group in one or more subjects?
- Demonstrates an observed or measured rate of acquisition/retention of new academic content or skills that reflect gifted ability.
- Demonstrates achievement, performance, or expertise in one or more academic area.
- 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.
- Had documented, observed, validated, or assessed evidence that intervening factors are masking gifted ability.

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 programs and services.
- Determining student needs through a screening and evaluation process.
- Establishing procedures to determine whether a student is mentally gifted

The Term mentally gifted includes a person who has an IQ of 130 or higher and other factors that indicate gifted ability. Gifted ability cannot be based on IQ score alone. If the IQ score is lower than 130, your child may be admitted to gifted programs when other conditions strongly indicate gifted ability.

- Achievement test scores that are a year or more above level.
- Observed or measured acquisition/retention rates that reflect gifted ability.
- Achievement, performance, or expertise in one or more academic areas that demonstrates a high level of accomplishment.
- High level thinking skills.
- Documented evidence that intervening factors are masking gifted ability.

The Gifted Multidisciplinary Evaluation (GMDE) is a process to gather the information that will be used to find out if your child qualifies for gifted education and, if so, the types of programs and services needed. Part of this process includes an evaluation by a certified school psychologist.

A child may be referred for the first GMDE in several ways:

- You may ask your school to give your child a GMDE at any time, but there is a limit of one request per term. You may ask for this evaluation by sending a letter to the principal of your child's school. If you

make an oral request, the school will give you a form to complete. The school must have your written permission to evaluate your child, even if you ask for the evaluation. School officials cannot proceed without your written permission. Under certain circumstances the district may request a hearing to get approval from an impartial hearing officer to conduct an evaluation.

- Your child's teachers may also ask to have your child evaluated. Again, they must get your written permission before conducting the GMDE.

All evaluations needed to determine your child's eligibility for gifted programs and services will be provided by your child's school district at no charge to you. You may, at your own expense, obtain an independent evaluation by a qualified professional that the school district must consider in any decision regarding the provision of gifted education. The evaluations must look at all information relevant to your child's suspected strengths, and educational needs. The process must also include information from you or others who know your child. Information provided by your child may also be used.

No one test or type of test may be used as the only measure to determine giftedness. IQ scores may not be the only measure for students with limited English proficiency, or for students with racial-, linguistic-, or ethnic-minority background. This ensures the testing and evaluation will be fair to children of different races and cultures.

The Gifted Multidisciplinary Team (GMDT) reviews all materials and prepares a Gifted Written Report (GWR) that recommends whether your child is gifted and needs specially designed instruction. As a member of the GMDT, you may present written information for consideration. 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 school days from the date you give permission by signing the "Permission to Evaluate" form.

- The GMDE must be completed within 45 school days.
- The GWR must be written within 10 school days after the GMDE is completed.
- A Copy of the GWR must be given to you within 5 school days after its completion.

It is not necessary to conduct a separate screening and evaluation, develop separate Individualized Education Programs (IEP), or use separate procedural safeguards processes to provide for a student who is identified as gifted and eligible for special education. For students with dual exceptionalities, the needs established under gifted status must be addressed in the procedures required for special education.

HOW IS MY CHILD'S GIFTED EDUCATION PROGRAM DETERMINED?

Under Pennsylvania law, 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 a state educational agency
- 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 Program (GIEP)

Your child's school will appoint a Gifted Individualized Education Program (GIEP) team. The team reviews the recommendations from the GMDE that are in the Gifted Written Report (GWR) and determines whether your child is gifted.

If the GIEP team decides your child is gifted and in need of gifted education, the team writes the Gifted Individualized Education Program (GIEP) at the meeting.

The GIEP:

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

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.

Required members of each GIEP team are:

- The student's parent(s)
- Your child, if you choose to have him or her participate
- A representative of the school district who serves as the chairperson of the GIEP team, is knowledgeable about the availability of resources of the district, and who is authorized by the district to commit those resources
- One or more of your child's current teachers
- Other either you or the district invites to participate

If you choose not to attend the GIEP meeting, it may be held without you.

The GIEP must be completed within 30 calendar days after the Gifted Multidisciplinary Team (GMDT) issues its written report (GWR). The GIEP must be put into action no more than 10 school days after the GIEP is completed.

Your child's program 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.

The GIEP team will review the written report and will determine how your child is performing in school now. The GIEP will contain a statement of your child's present educational performance. The GIEP team will write annual goals and 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; dates for beginning that GIEP; ways for determining whether the goals and learning outcomes are being met; the names and positions of the GIEP team participants; and the date of the meeting.

The GIEP team will determine whether the gifted student needs one or more support services. Transportation to and from school, psychological services, parent counseling and education, or another service is a support service if:

- It is a vital part of an objective in the GIEP without which the GIEP could not be implemented
- It is needed to ensure that the student benefits from or gains access to a gifted education program

The gifted education program will be completely developed before the GIEP team decides where the program will be provided. The placement must:

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

Gifted educational placement may not be based on one or more of the following:

- 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

Your child's school must ensure that staff is available to provide the services required on your child's GIEP. A gifted teacher's caseload is limited to a total of 75 students. The maximum number of students who can be in the gifted class at one time is 20 students.

After the GIEP team develops the GIEP, you will receive a Notice of Recommended Assignment (NORA) and a copy of Notice of Parental Rights for Gifted Children. The district may send these through certified mail within 5 calendar days after the conclusion of the GIEP meeting 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 program. The district must have a signed NORA indicating approval before your child can be placed in a gifted program.

- 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 Children 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.

You may choose to have your gifted child educated at a private school completely at private expense. You may also choose a home education program for your gifted child. If a home education program is chosen, the regulations found in Chapter 13 of Pa Code govern the provisions of the gifted student's education.

WHAT ARE THE SCHOOL'S RESPONSIBILITIES TO MY CHILD AND ME?

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 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. You have the right to have a representative

inspect and review the records. Your district must have procedure for you to follow the correct the records you feel are wrong or misleading.

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 program and progress and any changes that take place in either
- The right to approve or reject programs and testing
- The right to privacy

Federal law protects your privacy. Only those who need to 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.

WHAT IF I DISAGREE WITH SCHOOL OFFICIALS ABOUT MY CHILD'S EDUCATION PROGRAM

Even when parents and school officials try their best to develop and carry out an appropriate program, disagreements occur. Mediation is 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 must be convened within 10 school days following the agreement. The written mediation agreement is not confidential, and it is binding to both you and the school district.

Information about the mediation process is available by calling Office for Dispute Resolution at 1-800-992-4334.

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

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

- 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.
- 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 five calendar days before the hearing.
- The hearing will be open to the public unless you request otherwise at least 5 days before the hearing. A decision will be made based on evidence presented during the hearing. 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 all or part of the hearing officer's decision, you or they may file an appeal to a three-member appeal panel. You will be sent the procedures and a timeline for filing the appeal with the hearing officer's decision.
- If you or the school officials are not satisfied with the decision of the three-member appeal panel, the decision can be appealed to a court.

In summary, if your child is gifted and needs specially designed instruction, a program is designed and carried out. Everyone involved must remain focused on meeting each child's individual needs. When parents and school officials successfully keep this objective in mind, the likelihood of providing quality educational programming dramatically increases.