

Lower Moreland Township School District

# GIFTED TASK FORCE REPORT 2008



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**Gifted Education Task Force  
Committee Members 2008**

Dr. Marykay Feeley Superintendent of Schools	Dr. Marilyn Lake-DellAngelo Assistant Superintendent of Schools
Dr. Murray Cohen School Board President	Dr. Barbara Breitman School Board Member
Leslie Clayton Howard Parent	Pamela Milcos-Smith Parent
Sharon Grabel Parent	Faye Shapiro Parent
Gerry Giuliana Gifted Support Teacher (K-5)	Denise Meyers Gifted Support Teacher (6-8)
Dr. Kimberly McGlonn-Nelson Gifted Support Teacher (High School)	Diane Farber (3 <sup>rd</sup> grade) Pine Road Regular Education Teacher
Michael Handfinger (5 <sup>th</sup> grade) Murray Avenue Regular Education Teacher	Jo Ann Fricker (Mathematics) High School Regular Education Teacher
Marian Staley Murray Avenue Librarian	Elyse Marged Pine Road Guidance Counselor
Rich Marta High School Guidance Counselor	Tina Mollett School Psychologist
Rebecca Kirby School Psychologist Intern (until Summer 2008)	Lauren Webb School Psychologist Intern (Fall 2008)
Donna Blakeman Pine Road Elementary Principal	Frank Mckee High School Principal (Fall 2008) / Murray Avenue (until Summer 2008)
Jason Sorgini High School Principal (until Summer 2008)	Dr. Barbara Burke-Stevenson Murray Avenue Interim Principal
James LoGiudice Consultant	Jennifer Balliet-Fishberg Assistant to the Special Education Department
Daniel Burkholder Director of Special Education	

<b>Charge of the Gifted Education Task Force</b>
--------------------------------------------------

- Review the current Lower Moreland Twp School District gifted education model
- Conduct and review a needs assessment
- Conduct site visits to area district gifted education programs
- Review the current research and study effective practices in gifted education
- Develop mission and vision of the Lower Moreland Township School District gifted education program
- Provide recommendations in line with the mission and vision of the Lower Moreland Township School District to the School Board
- Provide recommendations in line with PA Regulations for Gifted Education

**Lower Moreland Township School District  
Mission Statement**

The mission of the Lower Moreland Township School District is to foster educational excellence in a nurturing environment that promotes respect for self and others, utilizing community resources, staff, and an innovative curriculum. All students, regardless of ability, will be provided the knowledge, skills, values and attitudes necessary to become life-long learners in a changing world where they will be required to think critically, act responsibly and communicate clearly.

## GOALS

Lower Moreland Township School District's Gifted/ Academically Talented program will:

- identify gifted students and meet their needs by providing a continuum of services that allows for enrichment and/or acceleration opportunities.
- develop a curriculum which reflects best instructional practices including the higher levels of Bloom's Revised Taxonomy and the range of multiple intelligences.
- design and implement an on-going comprehensive professional development plan related to the education of the gifted, including Chapter 16 compliance.
- provide professional development on gifted education to new teachers during new teacher induction program.
- provide the professional staff time and other support for the preparation and development of differentiated instruction, materials, and curriculum.
- develop Gifted Individual Education Plans (GIEP) that appropriately reflect the individual strengths, aptitudes, and needs of each student as identified in the Gifted Written Report
- include accurate and relevant present education levels for initial and all subsequent GIEP's.
- clearly identify the anticipated frequency and location of instruction, as well as the individuals responsible for carrying out the goals of the GIEP.
- incorporate a continuum of programming services for the gifted learner including grouping that allows for enrichment or acceleration opportunities, push-in, pull-out, and alternative instruction.
- promote the awareness of and access to gifted education services and programs to all parents of school-aged children.
- develop consistent grade and building use of multiple criteria to screen and identify mentally gifted students with consideration given to general ability as well as other educational and performance criteria that indicates gifted ability.
- consider evidence of intervening factors regarding cultural, ethnicity, disability or other factors that may mask the identification of gifted abilities.

## GLOSSARY

Acceleration	A strategy which is used when a student demonstrates competencies, knowledges, abilities, and/or skills which exceed that which is outlined in the planned course or text for his/her chronological or grade placement level.
Achievement Tests	Instruments that measure what a child knows academically and what he/she can do academically. These tests reveal strengths and weaknesses in a child's academic abilities. They should also help educators improve instruction, aid in forming goals and objectives for the curriculum, and determine content and skills.
Advanced Placement	The program developed by the College Board where high schools offer courses (AP) that meet criteria established by institutions of higher education. In many instances, college credit may be earned with the successful completion of an AP exam in specific content areas.
Bloom's Taxonomy -Revised	Developed in 1956 by Benjamin Bloom, the taxonomy is often used to develop curriculum for gifted children. since that time we have learned more about the way that children learn. Teachers have also revised the way that they plan and implement instruction in the classroom. To keep the importance of Bloom's work relative to today's theories, <a href="#">Anderson and Krathwohl</a> (2001) revised Bloom's <a href="#">original taxonomy</a> by combining both the cognitive process, and knowledge dimensions. This new expanded taxonomy can help instructional designers and teachers to write and revise learning objectives.
Cluster Grouping	A grouping assignment for gifted students in the regular heterogeneous classroom. Typically, five or six gifted students with similar needs, abilities, or interests are "clustered" in the same classroom, which allows the teacher to more efficiently differentiate assignments for a group of advanced learners rather than just one or two students.

Concurrent or Dual Enrollment	Most often refers to high school students taking college courses, often for college credit. Dual enrollment is viewed as providing high school students benefits such as greater access to a wider range of rigorous academic and technical courses, savings in time and money on a college degree, promoting efficiency of learning and enhancing admission to and retention in college. The terms may also be used to refer to middle grade students taking high school courses and earning credit towards graduation.
Curriculum Based Assessment	A system for identifying the instructional needs of the student based upon the student's ongoing performance within existing course content, and for delivering instruction as effectively and efficiently as possible to match those needs.
Curriculum Compacting	After showing a level of proficiency in the basic curriculum, a student can then be allowed to exchange instructional time for other learning experiences.
Differentiation	Modifying curriculum and instruction according to content, pacing and/or product to meet unique student needs in the classroom.
Differentiated Curriculum	A set of activities, a program, or a plan of instruction that is designed to meet the unique needs of special children. Different for gifted children means curriculum that allows for acceleration, stimulation of high level thinking, divergent thinking and convergent thinking.
Enrichment	Activities that add or go beyond the existing curriculum. Activities may occur in the classroom or in a separate setting.
Enrichment Programs	Enrichment programs will be successful if the student: (1) is encouraged to search for new information; (2) is provided with leadership opportunities; (3) is able to pursue personal interests; (4) is able to engage in creative assignments; (5) can develop his/her own initiative; and (6) engages in in-depth activities that are, in fact, broadening.
Educational Evaluation	An evaluation of a child's functioning in relation to his/her current educational program. The results of this evaluation

are expressed in terms of both the child's academic strengths and weaknesses.

Exceptional	Refers to those persons evaluated and found to be either hearing impaired, mentally gifted, developmentally delayed, physically handicapped, learning disabled, speech and language impaired, socially and emotionally needy, visually impaired or severely multi-handicapped.
Flexible Grouping	An instructional strategy where students are grouped together to receive appropriately challenging instruction. True flexible grouping permits students to move in and out of various grouping patterns, depending on the course content. Grouping can be determined by ability, size and/or interest.
Gifted Students	The Federal Elementary and Secondary Act defines gifted and talented student as "students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic or leadership capacity, or in specific academic fields, and who need services and activities not ordinarily provided by the school in order to fully develop those capabilities."
Heterogeneous Grouping	Grouping students by mixed ability or readiness levels. A heterogeneous classroom is one in which a teacher is expected to meet a broad range of student needs or readiness levels.
Homogeneous Grouping	Grouping students by need, ability or interest. Although variations between students exist in a homogeneous classroom, the intent of this grouping pattern is to restrict the range of student readiness or needs that a teacher must address.
Honors Program	Courses or programs offered in high schools and college for high achievers. These courses are usually planned to motivate the intellectually gifted learner. The content is broader, the curriculum accelerated, and the instructor carefully selected. In some cases, high school students who complete and honors program receive college credit for their efforts.

IEP Conference	An IEP is developed at a conference involving, at least, a representative of the school district or IU who is qualified to provide or supervise the provision of special education services; the child's teacher; the child, where appropriate; the parents; and any other person(s) who the parents wish to attend, including their attorney or advocate. The district must tell parents prior to the conference who will be participating and must take steps to insure that the parents attend. State law requires that the IEP be developed in cooperation with the parents.
Gifted Individualized Education Plan (GIEP)	A GIEP is a written statement of the special education and related services that an exceptional child needs in order to be educated appropriately. The GIEP must describe any modifications that will be needed to the child's regular education classes. A school district must provide for all programs and services contained in an approved GIEP.
Intelligence	The ability to learn, reason and problem solve. Debate revolves around the nature of intelligence as to whether it is an innate quality or something that is developed as a result of interacting with the environment. Many researchers say that it is a combination of the two.
Intelligence Quotient (IQ)	A numerical representation of intelligence. IQ is derived from dividing mental age (resulting from an intelligence test) by the chronological age times 100. Traditionally, an average IQ is considered to be 100.
Intermediate Unit (IU)	Many school districts are served by the Intermediate Units. The IU is contracted by the district to provide these services: 1) curriculum development and instructional improvement services; 2) educational planning services; 3) instructional materials services; 4) continuing professional education services; 5) pupil personnel services; 6) state and federal agency liaison services; 7) management services; 8) special education; 9) vocational education; 10) non-public school services; 11) data processing services, and 12) nutrition education.

International Baccalaureate (IB) Program	A demanding pre-university program that the students can complete to earn college credit. IB emphasizes critical thinking and understanding of other cultures or points of view. A diploma is awarded at the completion of the IB program which allows graduates access to universities worldwide.
Learning Styles	A term used to describe personality, psychological traits, social behaviors, developmental differences, communication styles, and environmental preferences (Ramsay, 1991). There are several learning style theories which attempt to correlate the traits of learners with teaching methods which will promote optimum learning situations.
Mentally Gifted in PA	Outstanding intellectual and creative ability, the development of which requires special services and programs not ordinarily provided in the regular education program. This term includes a person who has an IQ of 130 or higher <u>or</u> when multiple criteria as set forth in Department Guidelines indicate gifted ability. Determination of mentally gifted shall include a full assessment and comprehensive report by a public school psychologist specifying the nature and degree of the ability.
Multi-Disciplinary Evaluation (MDE)	The information compiled by the multidisciplinary team (MDT), which describes a student's academic functioning, adapted behavior, social behavior, learning problems, learning strengths and educational needs.
Multi-Disciplinary Team (MDT)	A group of persons including at least one teacher or other specialist with knowledge in the area of suspected exceptionality. MDT staffing would be composed of the child's teacher, school psychologist and program supervisor. Records of the child's academic performance are evaluated by this team and appropriate recommendations made. MDT process is used in initial placement as well as reevaluations.
Norm Referenced Testing	An assessment that compares an individual's results with a large group of individuals who have taken the same assessment (who are referred to as the "norming group").

Notice of Recommended Assignment (NORA)	Sets out the district’s recommendation for the placement of the child—that is, it lists the facility and type of class to which the district wishes to assign the child. In addition, the NORA serves as the “due process” notice in that it provided space for the parent to indicate approval or disapproval of the placement and program and explains the parents’ rights if they disapprove. By indicating their disapproval, parents begin the due process procedures, the first step of which is a pre-hearing conference.
Peer Tutoring	A program where students teach other students. When older children tutor younger children, it is usually referred to as cross age tutoring. It can be an emotionally gratifying experience for gifted children to teach. Parents should be on the lookout for signs that peer tutoring is being overdone. Peer tutoring should never be done as a substitute for teacher instruction.
Pull-out Program	Any program which takes one or more students from the regular classroom during the school day.
Screening	Screening consists of first-step assessment procedures aimed at selecting students who may have special needs.
Specially Designed Instruction	Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials or a specialized curriculum for students who are gifted.
Twice Exceptional	A term used to describe a student that is both gifted and disabled. These students may also be referred to as having dual exceptionalities.

## Methodology

The findings and recommendations are a result of the following endeavors conducted by the Lower Moreland School District Gifted Program Review Task Force, and its various committees, January to December, 2008.

- A thorough review of Lower Moreland Township School District's current gifted education programming and offerings, k-12.
- An analysis of the results and data gathered from three different needs assessment surveys that were completed by parents of the gifted, school district teachers, and students who have participated in the district's Academically Talented Programs.
- Focus group sessions were conducted with parents to gather information regarding parents' concerns.
- An in-depth review, analysis, and summary of current research and best practice literature related to gifted education curriculum and instruction, of Pennsylvania Department Education Chapter 16 school district requirements for meeting the needs of gifted students, and the National Association for Gifted Education (NAGC) Standards.
- On-site visits by various members of the Task Force to nearby school districts to observe their gifted education program offerings at all grade levels, meet with teachers of the gifted and students, and interview program supervisors or school administrators about program strengths and needs. A protocol or checklist was also developed to assist these team members in focusing their observations, and as a means of gathering specific and consistent interview data.
- A presentation by gifted program supervisors or coordinators from three other Montgomery County school districts, describing their program review outcomes, key components of GIEP implementation and gifted programming options, and sharing experiences and insight about what is working, and what needs further improvement.
- Meetings and interviews conducted by a few of the Task Force members with small groups of AT students from grade levels, 3-12. Protocol questions were developed for these interviews, tailored to grade levels.

## **Task Force Sub-Committees**

Task Force members were assigned to one of the three sub-committees in order to gather comprehensive information and data about gifted education practices, and then make recommendations for district implementation.

### **Research Sub-Committee:**

1. Pamela Milcos-Smith
2. Jo Ann Fricker
3. Denise Meyers
4. Marian Staley
5. Tina Mollett
6. Rebecca Kirby
7. Lauren Webb
8. Dr. Lake-DelAngelo

### **Needs Assessment Sub-Committee:**

1. Faye Shapiro
2. Dr. Murray Cohen
3. Diane Farber
4. Gerry Guiliana
5. Elyse Marged

### **Site Visitation Sub-Committee:**

1. Sharon Grabel
2. Leslie Clayton-Howard
3. Dr. Barbara Breitman
4. Michael Handfinger
5. Rich Marta
6. Kimberly McGlenn-Nelson

### **Co-facilitators:**

Dr. Marykay Feeley  
Daniel Burkholder

### **Principals:**

Donna Blakeman  
Dr. Barbara Burke Stevenson  
Frank McKee  
Jason Sorgini

### **Consultant:**

James LoGiudice

## Research and Best Practice Review

The following is a brief listing of the types and frequency of articles reviewed by the committee.

### **I. Types of Gifted Education Research Journals and Articles**

Programming, strategies, delivery of services

Parallel Curriculum

Acceleration

Evaluation and Efficacy of Programs

Mathematically Talented Students

Ability Grouping for Mathematics

School within a School Model

Cluster Grouping

Summer Program

Minority Enrollment

Early Childhood Education

High School

Screening and Identification

### **II. Books Reviewed:**

*Reforming Gifted Education* by Karen Rogers

*Differentiation for Gifted and Talented Students* by Carol Ann Tomlinson

### **III. Websites:**

National Association for Gifted Children (NAGC)- [www.nagc.org](http://www.nagc.org)

Pennsylvania Association for Gifted Education (PAGE)- [www.penngifted.org](http://www.penngifted.org)

Hoagies Page for Gifted Education Resources- [www.hoagiesgifted.org](http://www.hoagiesgifted.org)

Arizona Department of Education

University of Connecticut

William and Mary College Center for Gifted Education

Carnegie Mellon C-Mites Mathematically Talented Program

### **IV. Conferences and Workshops:**

PAGE Annual Conference

Montgomery County Intermediate Unit Gifted Education Advisory Council

Delaware County Intermediate Unit Gifted Education Symposium

Bucks County Intermediate Unit *Challenging the Gifted Conference*

## Overall Findings

- Screening and identification procedures for placement of students who are gifted should be in alignment with Chapter 16 regulations, and incorporate multiple criteria.
- Not all teachers and other staff are not clear or conversant with gifted screening and identification procedures, and do not appear to have a firm understanding of what characterizes giftedness and its learning implications.
- Both parents and students expressed the need to improve challenging coursework in the regular education classes by offering increased opportunities for differentiated and intellectually demanding curriculum.
- Teachers need and want in-service and ongoing staff development regarding gifted education instruction, Chapter 16 regulations, and about the district's screening and identification process. Professional development and support is crucial to the success of programming and challenging for the gifted.
- Gifted students at all levels indicate an extremely high level need to maintain or increase opportunities to work and learn with their peers. Students enjoy the challenge of the AT classes, the opportunity to learn new and different material and the opportunity to converse with and spend time with students of similar academic interests.
- Differentiated instruction should be based on GIEP student assessment and performance level data, shared with regular education teachers, and allow for individualization of challenge and instruction.
- To be most effective, programming for gifted students needs to be supported with adequate technology resources. Technology applications and use in classrooms for the gifted are at present minimal, because of limited resources and space.
- It is important to collect data for ongoing evaluation of program effectiveness and student performance.
- Learning opportunities for gifted learners must consist of a continuum of differentiated curricular options, instructional approaches, and resource materials. Surrounding school districts visited or contacted have a combination of pull-out and push-in (gifted resource support) classes or seminars. Current research in the area of gifted education supports the idea that pull-out programs alone do not adequately service gifted learners' needs

- The districts that were observed as part of the Task Force’s on-site visits had a person with supervisory or leadership responsibilities overseeing gifted education programming.
- There is a high degree of satisfaction on the part of high school students for the academic challenge provided by honors and the wide range of Advanced Placement classes presently offered.
- There is a need to address the issue of make-up work on the part of students who attend pull-out programs or classes. Parent and student survey responses and comments reflect a feeling that having students make-up work when leaving class is punitive resulting in a negative perception on their part regarding this practice.
- The majority of teacher survey responses indicate a need and willingness for collaborative planning between the gifted support (AT) and regular education teachers, in order to provide increased enrichment opportunities and more challenging coursework.
- Most districts had programs in place for enrichment or acceleration in mathematics 2<sup>nd</sup> – 8<sup>th</sup> grade.
- Most districts used a combination of grouping, pull-out and push-in programs in place with seminars for gifted students in the upper grades. Pull-out programs or seminars in the middle school years occur during “specials” time or in lieu of a regular education classes.

## Overall Recommendations

- Explore ways to provide increased and comprehensive leadership to all aspects of the gifted programming, from identification procedures, regular and special education coordination, and student GIEP implementation. This is an important first step for both program articulation and assurance of Chapter 16 compliance.
- Provide additional opportunities for math enrichment and acceleration (K-12) when a student's present education levels indicate a need for increased challenge.
- Create a program design that incorporates best instructional practices for the gifted and includes varied offerings based on assessed student needs. This design should comply with Chapter 16 requirements and PDE guidelines. Rather than any single gifted program, a continuum of programming services should exist for the gifted learner including grouping that allows for enrichment or acceleration opportunities.
- Provide extended and increased offerings in high school to gifted students, such as regularly scheduled special topic seminars and high level inter-disciplinary content based courses at the 9<sup>th</sup> and 10<sup>th</sup> grade levels.
- The findings of the Gifted Task Force visitation teams indicate a need to design and implement a comprehensive professional development plan related to the education of the gifted. This program should be accessible to all staff and administrators. Training should include district staff professional development workshops, use of building staff meetings, components of the New Teacher Induction Program, and attendance at Gifted Education Conferences. These Professional Development Programs need to address topics such as: Chapter 16 requirements and compliance regulations; differentiated learning instruction for the gifted; identification and characteristics for the gifted; and technology applications and use.
- District administration and building leaders need to address the issue of homework make-up when gifted students are absent from class to attend a pull-out program. Develop policies and practices regarding both missed class work and homework, in accordance with PDE *Gifted Guidelines*. These policies need to be communicated to all staff and teachers, and implemented in a consistent manner across grade and building levels.

- Provide support, time, and resources to regular education teachers in order for them to increase academic challenges and differentiation of instruction to gifted students in their classrooms. Explore ways for the Gifted Support Teachers to more closely collaborate with other teachers, and act as a resource for challenge practices and materials. In order for this to happen, the district may have to give serious consideration to expanding Gifted Support Teacher staffing.
- Provide teachers of the gifted with adequate and up-to-date technology resources, including advanced software for in-depth challenge, investigation and problem solving. Teachers and students also need adequate space in order to easily access this technology. To move in the direction of increased use of a wider range of technology applications, teachers will also need related staff development and Technology Department staff support.
- Ensure that the screening and identification process for giftedness meets the changing requirements of the Chapter 16 Regulations. Assessment tools for screening, identification, and placement of students should use criteria and procedures that are consistent across grade and building levels. Consider universal screening tools that can assist with the Child Find process. Develop a pamphlet and on-line resources which outlined the criteria for gifted identification procedures, timelines for evaluations and program procedures and policy options.

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**



**GIFTED EDUCATION REVIEW  
STUDENT SURVEY (3-6)**

**1.** I understand why I participate in the Academically Talented (AT) program.

Strongly Agree		32	51%
Agree		29	46%
No Opinion		1	2%
Disagree		1	2%
Strongly Disagree		0	0%
Total		63	100%

**2.** There are opportunities in the AT classroom for me to explore things that interest me.

Strongly Agree		27	43%
Agree		31	49%
No Opinion		2	3%
Disagree		3	5%
Strongly Disagree		0	0%
Total		63	100%

**3.** Being in the AT program challenges me to think about ideas in a different way.

Strongly Agree		25	40%
Agree		34	54%
No Opinion		3	5%
Disagree		1	2%
Strongly Disagree		0	0%
Total		63	100%

**4.** I enjoy learning with other AT students in a separate environment.

Strongly Agree		30	48%
Agree		28	44%
No Opinion		3	5%
Disagree		2	3%
Strongly Disagree		0	0%
Total		63	100%

**5.** I feel I have choices about what I learn in the AT program.

Strongly Agree		7	11%
Agree		26	41%
No Opinion		11	17%
Disagree		15	24%
Strongly Disagree		4	6%
Total		63	100%

**6.** I can use my imagination skills and creativity through projects and other activities in the AT program.

Strongly Agree		39	62%
Agree		20	32%
No Opinion		3	5%
Disagree		0	0%
Strongly Disagree		1	2%
Total		63	100%

**7.** Being in the AT program helps me to be a better learner in all areas.

Strongly Agree		11	17%
Agree		26	41%
No Opinion		14	22%
Disagree		11	17%
Strongly Disagree		1	2%
Total		63	100%

**8.** I discuss my AT program with my parents.

Strongly Agree		18	29%
Agree		26	41%
No Opinion		6	10%
Disagree		10	16%
Strongly Disagree		3	5%
Total		63	100%

9. When I leave my regular classroom, I feel \_\_\_\_\_ (please explain in narrative box).

[View 62 Responses](#)

10. I am challenged by my coursework in regular education. (Please explain in Narrative Box.)




Strongly Agree		23 %
Agree		127 7%
No Opinion		9 14%
Disagree		238 4%
Strongly Disagree		117 1%
Please explain. <a href="#">View Responses</a>		590 7%

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**






**GIFTED EDUCATION REVIEW  
STUDENT SURVEY (7-12)**


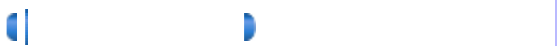
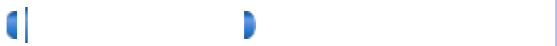

**1.** I understand why I participate in the Academically Talented (AT) program.

Strongly Agree		30	70%
Agree		10	23%
No Opinion		3	7%
Disagree		0	0%
Strongly Disagree		0	0%
<b>Total</b>		<b>43</b>	<b>100%</b>





**2.** I understand the academic goals of the AT program.

Strongly Agree		18	42%
Agree		19	44%
No Opinion		6	14%
Disagree		0	0%
Strongly Disagree		0	0%
<b>Total</b>		<b>43</b>	<b>100%</b>




**3.** I would like to have more input into the content of the AT program.

Strongly Agree		7	16%
Agree		17	40%
No Opinion		17	40%
Disagree		0	0%
Strongly Disagree		2	5%
<b>Total</b>		<b>43</b>	<b>100%</b>






**4.** I find the AT coursework and activities interesting and challenging.

Strongly Agree		19	44%
Agree		21	49%
No Opinion		2	5%
Disagree		1	2%
Strongly Disagree		0	0%
<b>Total</b>		<b>43</b>	<b>100%</b>




**5.** I enjoy spending time during the school day with other AT students.

Strongly Agree		26	60%
Agree		14	33%
No Opinion		3	7%
Disagree		0	0%
Strongly Disagree		0	0%
Total		43	100%

**6.** I believe I am a better student in all areas because of the AT program.

Strongly Agree		13	30%
Agree		10	23%
No Opinion		13	30%
Disagree		5	12%
Strongly Disagree		2	5%
Total		43	100%

**7.** I believe that the AT program will contribute to my future success.

Strongly Agree		17	40%
Agree		19	45%
No Opinion		6	14%
Disagree		0	0%
Strongly Disagree		0	0%
Total		42	100%

**8.** I know what to do if I have concerns or questions about my AT program.

Strongly Agree		17	41%
Agree		17	41%
No Opinion		3	7%
Disagree		4	10%
Strongly Disagree		0	0%
Total		41	100%

**9.** My suggestions and ideas are considered when my GIEP (AT plan) is being developed.

Strongly Agree		13	30%
Agree		14	33%
No Opinion		15	35%
Disagree		0	0%
Strongly Disagree		1	2%
Total		43	100%

**10.** Making up missed class work while I am at AT is difficult for me.

Strongly Agree		2	5%
Agree		8	19%
No Opinion		6	14%
Disagree		19	44%
Strongly Disagree		8	19%
Total		43	100%

**11.** I feel challenged by my academic coursework in regular education classes.

Strongly Agree		0	0%
Agree		7	16%
No Opinion		16	37%
Disagree		13	30%
Strongly Disagree		7	16%
Total		43	100%

**12.** The quality and quantity of elective courses available to me meets my needs.

Strongly Agree		5	12%
Agree		14	33%
No Opinion		16	37%
Disagree		6	14%
Strongly Disagree		2	5%
Total		43	100%

**13.** I would prefer to remain in my regular education class, rather than participate in AT.

Strongly Agree		0	0%
Agree		25	25%
No Opinion		14	14%
Disagree		21	21%
Strongly Disagree		26	26%
Please explain. <a href="#">View Responses</a>		137	137%

**14.** My experience in the AT program is/was Positive/Negative/Both.

Positive		379	379%
Negative		0	0%
Both		21	21%
Please explain. <a href="#">View Responses</a>		128	128%

**15.** Students in AP/Honors classes: Advanced Placement and/or Honors classes are meeting my academic needs.

Strongly Agree		132	132%
Agree		133	133%
No Opinion		133	133%
Disagree		0	0%
Strongly Disagree		0	0%

gree			
Total			3 10 80%

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**



**GIFTED EDUCATION REVIEW  
PARENT SURVEY**

**1.** The process for screening and identifying Academically Talented/Gifted students was made known to me.

Strongly Agree		12	24%
Agree		22	45%
No Opinion		5	10%
Disagree		6	12%
Strongly Disagree		4	8%
Total		49	100%

**2.** The mission and goals of the LM Academically Talented/Gifted program have been adequately communicated to me.

Strongly Agree		14	29%
Agree		18	37%
No Opinion		4	8%
Disagree		8	16%
Strongly Disagree		5	10%
Total		49	100%

**3.** The current Academically Talented/Gifted program is meeting the needs of my child.

Strongly Agree		8	16%
Agree		13	27%
No Opinion		10	20%
Disagree		8	16%
Strongly Disagree		10	20%
Total		49	100%

**4.** The annual GIEP (Gifted Individualized Education Program) accurately reflects my child's needs.

Strongly Agree		8	16%
Agree		17	35%
No Opinion		5	10%
Disagree		12	24%
Strongly Disagree		7	14%
Total		49	100%

**5.** My child has a positive attitude toward the Academically Talented/Gifted program because he/she is offered opportunities that are not available in the regular classroom.

Strongly Agree		22	46%
Agree		17	35%
No Opinion		1	2%
Disagree		5	10%
Strongly Disagree		3	6%
Total		48	100%

**7.** My child is offered opportunities for differentiated instruction in all subject areas.

Strongly Agree		2	4%
Agree		13	27%
No Opinion		8	17%
Disagree		15	31%
Strongly Disagree		10	21%
Total		48	100%

**8.** My child's GIEP is individualized to meet his/her learning needs.

Strongly Agree		6	12%
Agree		14	29%
No Opinion		6	12%
Disagree		13	27%
Strongly Disagree		10	20%
Total		49	100%

**9.** My child is significantly challenged in his/her overall school program.

Strongly Agree		4	8%
Agree		15	31%
No Opinion		3	6%
Disagree		12	25%
Strongly Disagree		14	29%
Total		48	100%

**11.** The Academically Talented/Gifted program integrates well with the regular classroom instruction.

Strongly Agree		3	6%
Agree		15	31%
No Opinion		11	22%
Disagree		11	22%
Strongly Disagree		9	18%
Total		49	100%

**12.** Other than mid-year and end of year reports, I am kept informed of my child's participation and progress in the Academically Talented/Gifted program.

Strongly Agree		5	10%
Agree		10	20%
No Opinion		4	8%
Disagree		19	39%
Strongly Disagree		11	22%
Total		49	100%

**13.** Gifted support teachers and regular education teachers work together to meet the needs of my child in both the regular and Academically Talented/Gifted classrooms.

Strongly Agree		7	14%
Agree		9	18%
No Opinion		9	18%
Disagree		16	33%
Strongly Disagree		8	16%
Total		49	100%

**14.** The Academically Talented/Gifted program sufficiently supplements my child's needs in the regular education classroom.

Strongly Agree		6	12%
Agree		13	27%
No Opinion		3	6%
Disagree		19	39%
Strongly Disagree		8	16%
Total		49	100%

**15.** I am knowledgeable about legislative requirements under PA Dept of Education Chapter 16, Special Education for Gifted Students, as they pertain to my child.

Strongly Agree		3	6%
Agree		18	37%
No Opinion		8	16%
Disagree		16	33%
Strongly Disagree		4	8%
<b>Total</b>		<b>49</b>	<b>100%</b>

**16.** The Academically Talented/Gifted program:

Top number is the count of respondents selecting the option. Bottom % is percent of the total respondents selecting the option.	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
Use real-life problem solving approaches	10 21%	24 50%	5 10%	6 12%	3 6%
Focus on critical concepts and themes within a subject area	9 19%	23 49%	5 11%	7 15%	3 6%
Allows students to work on projects and in-depth investigation	12 26%	24 51%	1 2%	7 15%	3 6%

**17.** What are your expectations of the Academically Talented/Gifted program with respect to your child?

[View 40 Responses](#)

**18.** What experiences has your child had in our Academically Talented/Gifted program that you thought were especially helpful for his/her growth and development?

[View 42 Responses](#)

**19.** What experiences would you like to see added to our Academically Talented/Gifted program offerings in the future?

[View 40 Responses](#)

**20.** What avenues for communication would you desire that are not presently in place regarding your child's Academically Talented/Gifted opportunities?

[View 36 Responses](#)

**21.** What resources would you like to have to support your learning about giftedness (speakers, websites, print materials, etc)?

[View 39 Responses](#)

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**



**GIFTED EDUCATION REVIEW  
TEACHER SURVEY**

**1.** I understand the process used for screening and referring potential AT/Mentally Gifted students.

Strongly Agree		13	14%
Agree		42	46%
No Opinion		4	4%
Disagree		22	24%
Strongly Disagree		10	11%
Total		91	100%

**2.** I am knowledgeable about legislative requirements under PA Dept of Education Chapter 16, Special Education for Gifted Students, as they pertain to my child.

Strongly Agree		4	4%
Agree		28	31%
No Opinion		20	22%
Disagree		32	35%
Strongly Disagree		7	8%
Total		91	100%




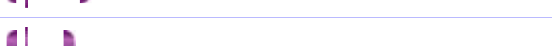
**3.** I believe the existing services provided to the AT/Mentally Gifted students are appropriately challenging.

Strongly Agree		9	10%
Agree		28	31%
No Opinion		40	44%
Disagree		11	12%
Strongly Disagree		2	2%
Total		90	100%



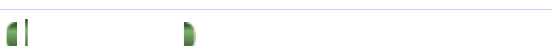

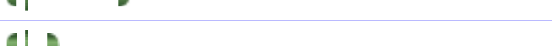
**4.** I believe at this point in time that LMTSD has the staff available to meet the needs of AT/Mentally Gifted students.

Strongly Agree		12	13%
Agree		33	36%
No Opinion		27	30%
Disagree		14	15%
Strongly Disagree		5	5%
Total		91	100%




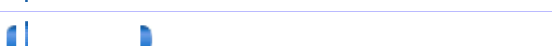

**5.** I believe at this point in time that LMTSD has the instructional resources available to meet the needs of AT/Mentally Gifted students.

Strongly Agree		11	12%
Agree		29	32%
No Opinion		37	40%
Disagree		9	10%
Strongly Disagree		6	7%
Total		92	100%



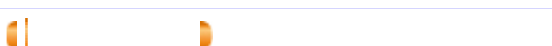
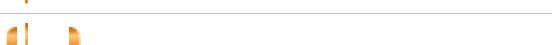

**6.** I believe that AT/Mentally Gifted students in my classroom would benefit from services provided by the gifted support teacher within my classroom.

Strongly Agree		6	7%
Agree		39	42%
No Opinion		27	29%
Disagree		16	17%
Strongly Disagree		4	4%
Total		92	100%

**7.** Teachers are being trained to use resources to differentiate and enhance instruction (e.g. computers, smart boards, teleconferencing, individual learning contracts, choice activities).

Strongly Agree		17	19%
Agree		44	48%
No Opinion		7	8%
Disagree		19	21%
Strongly Disagree		4	4%
Total		91	100%

**8.** Opportunities for enrichment and differentiated instruction are provided by me for AT/Mentally Gifted students in my classroom.

Strongly Agree		8	9%
Agree		45	49%
No Opinion		29	32%
Disagree		7	8%
Strongly Disagree		3	3%

Total	92	100%
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**9.** Opportunities for enrichment and differentiated instruction are provided by the gifted support teacher for AT/Mentally Gifted students during instruction in my classroom.

Strongly Agree		4	4%
Agree		13	14%
No Opinion		34	37%
Disagree		27	29%
Strongly Disagree		14	15%
Total		92	100%






**10.** There are sufficient in-service opportunities available for teachers regarding gifted education.

Strongly Agree		2	2%
Agree		11	12%
No Opinion		18	20%
Disagree		43	47%
Strongly Disagree		17	19%
Total		91	100%

**12.** I believe that I have a firm understanding about the individual needs of students in my class identified as AT/Mentally Gifted.

Strongly Agree		7	8%
Agree		40	43%
No Opinion		29	32%
Disagree		15	16%
Strongly Disagree		1	1%
Total		92	100%

**13.** I believe that AT/Mentally Gifted students should complete the classroom work they missed during their time in pull-out gifted support.

Strongly Agree		28%
Agree		44%
No Opinion		10%
Disagree		89%
Strongly Disagree		55%
Total		910 20%

**14.** When gifted testing is initiated from other sources (e.g., a parent referral), my perspective of the student's performance in the regular learning environment is represented in the evaluation process. If not, please complete the narrative box.

[View 8 Responses](#)

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**



**PROTOCOLS  
STUDENT FOCUS GROUPS AND INTERVIEWS**

**LOWER MORELAND GIFTED PROGRAM REVIEW  
ELEMENTARY AND MIDDLE SCHOOL LEVEL  
STUDENT  
INTERVIEW QUESTIONS  
(2<sup>nd</sup> – 7<sup>th</sup> Grade)**

Introduction about why you are here, how chosen, and purpose of this informal interview session. Will ask you a few questions – no right answers, no names recorded, and need your help by being frank and honest. Listen to others answers and responses, and add or differ with these when you want.

1. Tell us your name, grade, how long you have gone to school in the Lower Moreland School District, and how many years you have been or were in the Academically Talented/Gifted Program (AT Program)?
2. What kinds of things come to mind that made learning interesting, challenging and even fun about the AT Program? Tell us about those experiences that you feel were most interesting and worthwhile.
3. What classes are the most interesting and challenging for you right now? What is it about what happens in these classes that makes them so?
4. If you could describe what teachers do when you find them interesting or challenging, what words or actions they do come to mind?
5. Do you recall when and why you were placed in the AT Program?
6. What are the things you like most about coming to school? What would you change with regard to what and how you are taught in this school?
7. Please describe or tell me about one of your favorite teachers, one you have now, or at anytime in your school years. Not the teacher's name, rather what was it about the teacher that stands out – something that you wish all teachers had?
8. Do you have any questions for us – or would you like to suggest or add an idea we missed – or hit an issue we missed?

Fall 2008

**Lower Moreland High School  
Gifted Program Student Interview Questions**

**Introduction Remarks:** About why you are here, how chosen, and purpose of this informal interview session. Will ask you a few questions – no right answers, no names recorded, and need your help by being frank and honest. Listen to others answers and responses, and add or differ with these when you want.

Make a seating chart.

1. Tell us your name, grade, how long you have gone to school in the Lower Moreland School District, and how many years you have been or were in the Academically Talented/Gifted Program (AT Program)?
2. What kinds of things come to mind that made learning interesting, challenging and even fun about the AT Program? Tell us about those experiences that you feel were most interesting and worthwhile.
3. What classes are the most worthwhile and challenging for you right now? What is it about what happens in these classes that makes them so?
4. Give us some idea of the extra-curricular activities you are involved in here in school, and outside of school.
5. Do you recall when and why you were placed in the AT Program?
6. To what extent are you taking A.P. or honors classes. Numbers and range of subjects?
7. Which are the most challenging and why? Do you find the teaching and assignments in these classes much different from other classes you take?
8. If the High School offered a special program or class only for AT students would you enroll in this? Why or why not? What ideas or suggestions do you have about the format or role of such an offering?
9. Please describe or tell us about one your favorite teachers, one you have now, or at anytime in your school years. Not the teacher's name, rather what was it about the teacher that stands out – something that you wish all teachers did while teaching
10. Do you have any questions for us - would you like to suggest or add an idea, or speak to an issue we missed?

**LOWER MORELAND TOWNSHIP SCHOOL DISTRICT**



**GIFTED EDUCATION REVIEW  
SITE VISITATION  
QUESTIONS**

**Lower Moreland Township School District  
Gifted Task Force Site Visitation Questions  
2008**

1. Please describe your programs to us:
  - a. Elementary
  - b. Middle
  - c. High
2. What is the nature of student contact with the gifted support teacher?
  - a. When
  - b. Where
  - c. How
3. Do you have tracking? If so, when does it begin and how is it done?
4. What is your evaluation process and identification criteria?
  - a. Entrance? Sources of data? Matrix?
  - b. Student performance feedback?
5. What your goals for your programs at the:
  - a. Elementary level:
  - b. Middle School level:
  - c. High School level:
6. Please describe your leadership hierarchy.
7. What is the nature of parental involvement?
8. What tools, if any, do you use to solicit student feedback?
9. How do you encourage high school participation? Is credit offered for participation?
10. Do you offer International Bachelorette programming (IB)? What has student/community feedback to this been?
11. What data do you use to determine Present Levels of Educational Performance (PLEP)?
12. How do teachers handle work missed due to student pull-out?
13. How has professional development been addressed? Who has led/attended the professional development?
14. How, if at all, is the gifted curriculum aligned to the regular education curriculum?
15. How have you paced implementation when making significant changes?

**RULES AND REGULATIONS**  
**Title 22--EDUCATION**

**STATE BOARD OF EDUCATION**

**[ 22 PA. CODE CH. 16 ]**

**Special Education for Gifted Students**

**[38 Pa.B. 5953]**  
**[Saturday, November 1, 2008]**

The State Board of Education (Board) amends Chapter 16 (relating to special education for gifted students) to read as set forth in Annex A. Notice of proposed rulemaking was published at 37 Pa.B. 4872 (September 8, 2007), with an invitation to submit written comments.

*Statutory Authority*

The Board acts under the authority of sections 1372 and 2603-B of the Public School Code of 1949 (code) (24 P. S. §§ 13-1372--26-2603-B).

*Background*

These final-form regulations set forth requirements for gifted education programs and services in the public schools of this Commonwealth. They address the screening and evaluation process, gifted individualized education program, educational placement and procedural safeguards for students identified as gifted. As provided in section 1749-A of the code (24 P. S. § 17-1749), these final-form regulations do not apply to charter schools and cyber charter schools.

A committee of the Board held five regional public roundtable meetings during December 2006 and January 2007 where stakeholders were provided the opportunity to share their concerns about gifted education. The committee then circulated draft regulations and conducted three regional public hearings to solicit public input on the draft regulations in March 2007. Notices of the meetings were distributed to those on the Board's stakeholder list, school district superintendents, intermediate unit executive directors, area vocational technical school directors and others through the Department's PennLINK email system. Legal notices of the hearings were published in regional newspapers, public notice was posted on the Board web site and Sunshine Act notices were posted at the meeting sites. State education groups alerted their members and others about the meetings through e-mail distribution lists, web sites and publications.

Throughout the process of drafting the proposed and final-form regulations, the Board prepared and posted updated drafts on the Board's web site. The Chapter 16 Committee met in public meetings during 2007 on September 19, November 1 and November 14, and during 2008 on January 16, February 25 and March 19. Drafts of both the proposed and final-form regulations were reviewed and discussed at the meeting. Members of the public were provided opportunities to provide comments at these meetings.

Notice of proposed rulemaking was published at 37 Pa.B. 4872. The Board received comments from 47 individuals and organizations during the 30-day public comment period. Additionally, the Board received 21 letters and e-mails after the 30-day public comment period.

*Summary of Public Comments and Responses to Proposed Rulemaking*

The proposed rulemaking was published at 37 Pa.B. 4872 and was available on the Department of Education's (Department) web site at [www.pde.state.pa.us](http://www.pde.state.pa.us). The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking. The House Education Committee held a hearing on October 4, 2007. The Board also discussed the proposed

amendments with numerous individuals, education groups and individual members of the General Assembly.

The Board received written comments directly from 47 individuals and organizations during the 30-day public comment period. An additional 21 comments were received after the comment period. Rather than provide a lengthy listing of the organizations and comments and responses in the Preamble, the Board has prepared a separate document that outlines the comments and the Board's response. This document was sent to each commentator and is posted on the Board web page of the Department's web site.

#### *Summary of the Final-Form Regulations*

A summary of substantive changes is provided as follows:

##### *§ 16.1. Definitions.*

The definition of "GIEP" is changed to "Gifted Individualized Education Plan."

##### *§ 16.4. Strategic plans.*

A requirement is added stipulating that the gifted education portion of each school district's strategic plan address the process for identifying children who are gifted and in need of specially designed instruction. It also is to outline the gifted special education programs offered by the school district and to provide the Department with reports of students, personnel and program elements.

##### *§ 16.6. General supervision.*

The final-form regulations add a requirement that the Department conduct onsite monitoring of school entities to ensure compliance with this chapter, as well as an obligation to establish a complaint procedure for parents to file complaints and school districts to respond. The Department is directed to outline the process and schedule for monitoring in a Basic Education Circular (BEC), which would become available on the Department's web site with other BECs. The Department also must report to the Board, by October 1 of each year, the number and disposition of complaints filed and the schedule and results of monitoring activities.

##### *§ 16.7. Special education.*

A new requirement is added stipulating the development of a single Individualized Education Program for students who are both gifted and have a disability under Chapter 14 (relating to special education services and programs).

##### *§ 16.21. General.*

The final-form regulations add new language outlining the types of awareness activities that school districts are to conduct each year to inform parents about gifted education. Additional new language clarifies the criteria each school district shall use to determine whether a student is mentally gifted. Also, new language is added stipulating that deficits in memory or processing cannot be the sole basis for determining that a student is ineligible for gifted education services. Finally, new language was added referring to the Federal definition of disabilities in 34 CFR 300.8 (relating to child with a disability).

##### *§ 16.22. Gifted multidisciplinary evaluation.*

The final-form regulations require school districts to have readily available an evaluation request form that professional staff and administrators can provide to parents who request an evaluation of their child. The final-form regulations require the parent be provided the evaluation request form within 10 calendar days of an oral request. Additionally, this section adds a requirement that the Gifted Multidisciplinary Team include, in its written report, its recommendations for each student's educational programming. This section also revises the number of days in which the initial student evaluation must be completed from 45 school days to

60 calendar days after the school receives written parental consent for the evaluation or an order of a court or hearing officer. The calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted. This aligns the time frame with the requirements of Chapter 14 so that school districts have just one standard to follow.

§ 16.23. *Gifted multidisciplinary reevaluation.*

New language provides that the reevaluation be completed and presented to parents no later than 60 calendar days after the school district receives written permission to reevaluate. The calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted.

§ 16.31. *General.*

The final-form regulations revise this section to "grandfather" students already receiving gifted education services at the time these final-form regulations become effective.

§ 16.32. *GIEP.*

The final-form regulations require present education levels to be included in both the initial and all revisions to the GIEP. Additionally, this section adds a requirement that a teacher of the gifted be included on the GIEP team. The final-form regulations also require that the GIEP be based on the gifted multidisciplinary team's written report. New language is also added to require the GIEP to include accommodations and modifications as required by Federal regulation in 34 CFR 300.320(a)(4) (relating to definition of individualized education program) for students with a disability identified as eligible under the Federal regulation in 34 CFR 300.8. Additional language is added requiring the GIEP to include the anticipated frequency, and location of gifted education. New language is also added to require the school to notify teachers of their responsibilities to each of their students who are identified as gifted as provided in the students' GIEP. Finally, the final-form regulations add language requiring a GIEP meeting to be convened at the request of a GIEP team member, the parent, the student or the school district.

§ 16.41. *General.*

The final-form regulations revise the total number of gifted students on an individual gifted teacher's caseload from 75 to 65 and stipulate that this change occur beginning July 1, 2010. They require the total number of gifted students on an individual teacher's class roster to remain at the current level of 20 students. These changes reflect feedback provided from schools regarding the current caseload and class roster limitations.

§ 16.63. *Impartial due process hearing.*

The final-form regulations require a student involved in a due process hearing to remain in his current educational placement until the outcome of the hearing, unless the school district and the parent of the student agree otherwise. It also adds language allowing a school district to request a hearing to proceed with an initial evaluation or reevaluation when a parent fails to respond to the district's proposed evaluation or reevaluation. Additionally, these regulations permit a school district to request an impartial due process hearing when a parent rejects the district's proposed educational placement that is different from the initial placement. The final-form rulemaking further stipulates that if the parent fails to respond or refuses to consent to the initial provision of gifted services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

The final-form regulations provide for the compensation of hearing officers for hearings related to a child who is gifted or thought to be gifted. Additional language is added stating that the compensation of hearing officers does not cause them to become employees of the Department.

Additionally, the final-form regulations require the Department to provide an annual report to the Board as to the number and summarized results of the due process hearings. The report must also include actions taken by the Department as well as future plans to strengthen the due process hearings.

Finally, the final-form regulations require the school district, upon receipt of a final decision from the hearing officer or court, to provide to the Department an assurance of its implementation of an order within 30 school days of the date of the final decision.

#### *Effective Date*

The final-form regulations are effective upon publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

In accordance with its policy and practice regarding regulations, the Board will review the effectiveness of this chapter after 4 years. Therefore, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 23, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 4872, to IRRC and the Chairpersons of the House and Senate Committees on Education (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 17, 2008, the final-form regulations were deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2008, and approved the final-form regulations.

#### *Contact Person*

The official responsible for information on these final-form regulations is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

#### *Affected Parties*

The final-form regulations will affect the students and professional employees of public schools in this Commonwealth.

#### *Findings*

The Board finds that:

(1) Public notice of the intention to adopt these final-form regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) The final-form regulations are necessary and appropriate for the administration of the code.

#### *Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 16, are amended by amending §§ 16.1, 16.4, 16.6, 16.7, 16.21--16.23, 16.31, 16.32, 16.41 and 16.63 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

*(Editor's Note: The amendment of § 16.1 was not included in the proposed rulemaking at 37 Pa.B. 4872.)*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 5509 (October 4, 2008).)*

**Fiscal Note:** Fiscal Note 6-307 remains valid for the final adoption of the subject regulations.

JIM BUCKHEIT,  
Executive Director

## **Annex A**

### **TITLE 22. EDUCATION**

#### **PART I. STATE BOARD OF EDUCATION**

##### **Subpart A. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 16. SPECIAL EDUCATION FOR GIFTED STUDENTS**

##### **GENERAL PROVISIONS**

### **§ 16.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*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 4*--The State Board of Education regulations as adopted under statutory authority in the School Code.

*Educational placement*--The overall educational environment in which gifted education is provided to a gifted student.

*GIEP*--Gifted Individualized Education Plan.

*GMDT*--Gifted Multidisciplinary Team.

*Gifted education*--Specially designed instruction to meet the needs of a gifted student that is:

- (i) Conducted in an instructional setting.
- (ii) Provided in an instructional or skill area.
- (iii) Provided at no cost to the parents.
- (iv) Provided under the authority of a school district, directly, by referral or by contract.
- (v) Provided by an agency.
- (vi) Individualized to meet the educational needs of the student.
- (vii) Reasonably calculated to yield meaningful educational benefit and student progress.
- (viii) Provided in conformity with a GIEP.

*Gifted Multidisciplinary Evaluation*--A systematic process of testing, assessment, and other evaluative processes used by a team to develop a recommendation about whether or not a student is gifted or needs gifted education.

*Gifted student*--

(i) A student who is exceptional under section 1371 of the School Code (24 P. S. § 13-1371) because the student meets the definition of "mentally gifted" in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment).

(ii) The term applies only to students who are of "school age" as defined under § 11.12 (relating to school age).

*Instructional setting*--A classroom or other setting in which gifted students are receiving gifted education.

*Mentally gifted*--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.

*Parents*--A natural or adoptive parent or parents, a guardian or guardians, one or more persons acting as the parent or parents of a student.

*Party*--Parent or school district.

*Regular classroom*--A specific instructional grouping within the regular education environment.

*Regular education environment*--The regular classroom and other instructional settings in which students without a need for gifted education receive instructional programs and the full range of supportive services normally provided to these children.

*School Code*--The Public School Code of 1949 (24 P. S. §§ 1-101--27-2702).

*School day*--A day in which school is in session.

*Screening and evaluation process*--The systematic determination of whether or not a student is gifted or needs gifted education.

*Specially designed instruction*--Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials or a specialized curriculum for students who are gifted.

*Support services*--Services as required under § 16.33 (relating to support services) to assist a gifted student to benefit from gifted education. Examples of the term include:

- (i) Psychological services.
- (ii) Parent counseling and education.
- (iii) Counseling services.
- (iv) Transportation to and from gifted programs to classrooms in buildings operated by the school district.

#### **§ 16.4. Strategic plans.**

(a) Each school district's strategic plan developed under Chapter 4 (relating to academic standards and assessments) must include procedures for the education of all gifted students enrolled in the district. The strategic plan shall be developed to ensure the implementation of gifted education plans.

(b) Each school district shall address the following in its gifted education plan:

- (1) The process for identifying children who are gifted and in need of specially designed instruction.
- (2) The gifted special education programs offered.

(c) Each school district shall provide, as the Department may require, reports of students, personnel and program elements, including the costs of the elements, which are relevant to the delivery of gifted education.

#### **§ 16.6. General supervision.**

(a) Educational programs for gifted students administered within this Commonwealth are considered to be under the general supervision of the Department and must meet the provisions of this chapter.

(b) The Department will ensure that appropriate and responsible fiscal oversight and control is maintained over the development and provision of gifted education in accordance with this chapter providing for fiscal accountability and prudent management.

(c) The Board will review this chapter at least every 4 years to ensure consistent interpretation and application of this chapter.

(d) The Department will conduct onsite monitoring of school districts on a cyclical basis, or more frequently when necessary, to ensure school district implementation of this chapter. The Department will outline the process and schedule for monitoring in a Basic Education Circular (BEC). The BEC will include:

- (1) A description of the elements to be reviewed and the criteria for determining compliance with each element.
- (2) A process and procedure to present the monitoring findings to school districts.
- (3) A process for school districts to respond to monitoring findings.
- (4) A process for resolution of findings, which may include a requirement that school districts develop corrective action plans.

(e) The Department will establish a complaint process that includes:

- (1) A process for parents or guardians to file complaints and for school districts to respond.
- (2) An opportunity for the district and parent to reach amicable resolution of the issue or, if necessary, a process for the Department to determine the validity of complaints.
- (3) Development of an individual corrective action plan, if necessary, to address and correct findings of a valid complaint against a school district.
- (4) Enumeration of enforcement steps to be employed by the Department if the district does not implement the corrective action.
- (f) The Department will report to the Board, by October 1 of each year, the number and disposition of complaints filed and the schedule and results of monitoring activities.

## **§ 16.7. Special education.**

- (a) Nothing in this chapter is intended to reduce the protections afforded to students who are eligible for special education as provided under Chapter 14 (relating to special education services and programs) and sections 601--619 of the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400--1419).
- (b) If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence. For these students identified with dual exceptionalities, the needs established under gifted status in this chapter shall be fully addressed in the procedures required in Chapter 14.
- (c) For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations or use separate procedural safeguards processes to provide for a student's needs as both a gifted and an eligible student.
- (d) A single IEP shall be developed and implemented, revised and modified in accordance with this chapter and Chapter 14, for students who are identified as eligible under this chapter and Chapter 14.

## **SCREENING AND EVALUATION PROCESS**

### **§ 16.21. General.**

- (a) Each school district shall adopt and use a system to locate and identify all students within that district who are thought to be gifted and in need of specially designed instruction.
- (b) Each school district shall conduct awareness activities to inform the public of gifted education services and programs and the manner by which to request these services and programs. These awareness activities shall be designed to reach parents of students enrolled in the public schools and the parents of school age children not enrolled in the public schools. Awareness activities shall be conducted annually and include providing information in local newspapers, other media, student handbooks and on the school district web site.
- (c) Each school district shall determine the student's needs through a screening and evaluation process which meets the requirements of this chapter.
- (d) Each school district shall establish procedures to determine whether a student is mentally gifted. This term includes a person who has an IQ of 130 or higher or when multiple criteria as set forth in this chapter and in Department Guidelines indicate gifted ability. Determination of gifted ability will not be based on IQ score alone. Deficits in memory or processing speed, as indicated by testing, cannot be the sole basis upon which a student is determined to be ineligible for gifted special education. A person with an IQ score lower than 130 may be admitted to gifted programs when other educational criteria in the profile of the person strongly indicate gifted ability. Determination of mentally gifted must include an assessment by a certified school psychologist.

(e) Multiple criteria indicating gifted ability include:

(1) A year or more above grade achievement level for the normal age group in one or more subjects as measured by Nationally normed and validated achievement tests able to accurately reflect gifted performance. Subject results shall yield academic instruction levels in all academic subject areas.

(2) An observed or measured rate of acquisition/retention of new academic content or skills that reflect gifted ability.

(3) Demonstrated achievement, performance or expertise in one or more academic areas as evidenced by excellence of products, portfolio or research, as well as criterion-referenced team judgment.

(4) Early and measured use of high level thinking skills, academic creativity, leadership skills, intense academic interest areas, communications skills, foreign language aptitude or technology expertise.

(5) Documented, observed, validated or assessed evidence that intervening factors such as English as a second language, disabilities defined in 34 CFR 300.8 (relating to child with a disability), gender or race bias, or socio/cultural deprivation are masking gifted abilities.

## **§ 16.22. Gifted multidisciplinary evaluation.**

(a) Prior to conducting an initial gifted multidisciplinary evaluation, the school district shall comply with the notice and consent requirements under §§ 16.61 and 16.62 (relating to notice; and consent).

(b) Referral for gifted multidisciplinary evaluation shall be made when the student is suspected by teachers or parents of being gifted and not receiving an appropriate education under Chapter 4 (relating to academic standards and assessment) and one or more of the following apply:

(1) A request for evaluation has been made by the student's parents under subsection (c).

(2) The student is thought to be gifted because the school district's screening of the student indicates high potential consistent with the definition of mentally gifted or a performance level which exceeds that of other students in the regular classroom.

(3) A hearing officer or judicial decision orders a gifted multidisciplinary evaluation.

(c) Parents who suspect that their child is gifted may request a gifted multidisciplinary evaluation of their child at any time, with a limit of one request per school term. The request must be in writing. The school district shall make the permission to evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of the school district, that individual shall provide a copy of the permission to evaluate form to the parents within 10 calendar days of the oral request.

(d) Multidisciplinary evaluations shall be conducted by GMDTs. The GMDT shall be formed on the basis of the student's needs and shall be comprised of the student's parents, a certified school psychologist, persons familiar with the student's educational experience and performance, one or more of the student's current teachers, persons trained in the appropriate evaluation techniques and, when possible, persons familiar with the student's cultural background. A single member of the GMDT may meet two or more of the qualifications specified in this subsection.

(e) Gifted multidisciplinary evaluations must be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths and educational needs.

(f) The multidisciplinary evaluation process must include information from the parents or others who interact with the student on a regular basis, and may include information from the student if appropriate.

(g) The following protection-in-evaluation measures shall be considered when performing an evaluation of students suspected of being gifted:

(1) No one test or type of test may be used as the sole criterion for determining that a student is or is not gifted.

(2) Intelligence tests yielding an IQ score may not be used as the only measure of aptitude for students of limited English proficiency, or for students of racial-, linguistic- or ethnic-minority background.

(3) Tests and similar evaluation materials used in the determination of giftedness shall be:

(i) Selected and administered in a manner that is free from racial and cultural bias and bias based on disability.

(ii) Selected and administered so that the test results accurately reflect the student's aptitude, achievement level or whatever other factor the test purports to measure.

(iii) Professionally validated for the specific purpose for which they are used.

(iv) Administered by certified school psychologists under instructions provided by the producer of the tests and sound professional practice.

(v) Selected and administered to assess specific areas of educational need and ability and not merely a single general IQ.

(h) The GMDT shall prepare a written report that brings together the information and findings from the evaluation or reevaluation concerning the student's educational needs and strengths. The report must make recommendations as to whether the student is gifted and in need of specially designed instruction, indicate the basis for those recommendations, include recommendations for the student's programming and indicate the names and positions of the members of the GMDT.

(i) The GMDT shall determine eligibility as defined in §§ 16.1 and 16.21 (relating to definitions; and general).

(j) The initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 calendar days after the agency receives written parental consent for evaluation or receives an order of a court or hearing officer to conduct a multidisciplinary evaluation, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term may not be counted.

### **§ 16.23. Gifted multidisciplinary reevaluation.**

(a) Gifted students shall be reevaluated before a change in educational placement is recommended for the student. In addition, gifted students may be reevaluated at any time under recommendation by the GIEP team.

(b) Reevaluations shall be developed in accordance with the requirements concerning evaluation in this chapter.

(c) Reevaluations must include a review of the student's GIEP, a determination of which instructional activities have been successful, and recommendations for the revision of the GIEP.

(d) The reevaluation timeline for gifted students will be 60 calendar days, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term may not be counted.

## **GIEP**

### **§ 16.31. General.**

(a) A GIEP is a written plan describing the education to be provided to a gifted student. The initial GIEP must be based on and be responsive to the results of the evaluation and be developed and implemented in accordance with this chapter.

(b) If a gifted student moves from one school district in this Commonwealth to another, the new district shall implement the existing GIEP to the extent possible or provide the services and programs specified in an interim GIEP agreed to by the parents until a new GIEP is developed and implemented in accordance with this section and §§ 16.32 and 16.33 (relating to GIEP; and support services) or until the completion of due process proceedings under §§ 16.61--16.65 (relating to procedural safeguards).

(c) Every student receiving gifted education prior to July 1, 2008, shall continue to receive gifted education until the student meets one of the following conditions:

- (1) The student graduates from high school.
- (2) The student is no longer of school age.
- (3) A GIEP team determines that the student no longer needs gifted education.

### **§ 16.32. GIEP.**

(a) The GIEP team, in accordance with the requirements of this chapter shall, based upon the evaluation report, develop an initial GIEP and arrive at a determination of educational placement. Revisions to GIEPs, changes in educational placement, or continuation of educational placement for a student determined to be a gifted student shall be made by the GIEP team based upon a review of the student's GIEP and instructional activities, present levels of educational performance, as well as on information in the most recent evaluation.

(b) Each GIEP team must include persons who meet the following qualifications:

- (1) One or both of the student's parents.
- (2) The student if the parents choose to have the student participate.
- (3) A representative of the district, who will serve as the chairperson of the GIEP team, who is knowledgeable about the availability of resources of the district, and who is authorized by the district to commit those resources.
- (4) One or more of the student's current teachers.
- (5) Other individuals at the discretion of either the parents or the district.
- (6) A teacher of the gifted.

(c) The school district shall establish and implement procedures designed to ensure that the parents of the gifted student are offered the opportunity to be present at each GIEP team meeting. These procedures must include any one or a combination of the following: documented phone calls, letters and certified letters with return receipts. Agencies shall maintain documentation of their efforts to encourage parents to attend. By including them in the invitation, the following shall be considered reasonable efforts to ensure parent participation in the GIEP meeting:

- (1) The purpose, time and location of the meeting.
  - (2) The names of the persons expected to attend.
  - (3) The procedural rights available to protect the student and parent, in language which is clear and fully explains all rights.
  - (4) That a determination will be made at the meeting as to whether or not the student is gifted.
  - (5) That if the student is determined to be gifted, a GIEP will be developed.
  - (6) Notifying the parent and other persons who will be attending at least 10 calendar days in advance to ensure that the parent will have an opportunity to attend.
- (d) The GIEP of each gifted student shall be based on the GMDT's written report and contain the following:
- (1) A statement of the student's present levels of educational performance.
  - (2) A statement of annual goals and short-term learning outcomes which are responsive to the learning needs identified in the evaluation report.
  - (3) A statement of the specially designed instruction and support services to be provided to the student. For a student with disability identified as eligible under 34 CFR 300.8 (relating to child with a disability), this would include accommodations and modifications in accordance with 34 CFR 300.320(a)(4) (relating to definitions of individualized education program).
  - (4) Projected dates for initiation anticipated frequency, location and anticipated duration of gifted education.
  - (5) Appropriate objective criteria, assessment procedures and timelines for determining, on at least an annual basis, whether the goals and learning outcomes are being achieved.
  - (6) The names and positions of GIEP team participants and the date of the meeting.
- (e) A copy of the GIEP shall be provided to the parents, along with a notice of parental rights under §§ 16.61--16.65 (relating to procedural safeguards).
- (f) The school district shall notify teachers who work with a student who has been identified as gifted and in need of specially designed instruction of their responsibilities under the student's GIEP.
- (g) The following timeline governs the preparation and implementation of GIEPs:
- (1) A GIEP shall be developed within 30 calendar days after issuance of a GMDT's written report.
  - (2) The GIEP of each student shall be implemented no more than 10 school days after it is signed or at the start of the following school year if completed less than 30 days before the last day of scheduled classes in accordance with § 16.62(5) (relating to consent).
  - (3) GIEP team meetings shall be convened at least annually, or more frequently if conditions warrant.
  - (4) A GIEP team meeting shall also be convened at the request of a GIEP team member, the parent, the student or the school district.

## **EDUCATIONAL PLACEMENT**

### **§ 16.41. General.**

- (a) The GIEP team shall base educational placement decisions on the gifted student's needs.
- (b) Districts may use administrative and instructional strategies and techniques in the provision of gifted education for gifted students which do not require, but which may include, categorical grouping of students. The placement must:
  - (1) Enable the provision of appropriate specially designed instruction based on the student's need and ability.
  - (2) Ensure that the student is able to benefit meaningfully from the rate, level and manner of instruction.
  - (3) Provide opportunities to participate in acceleration or enrichment, or both, as appropriate for the student's needs. These opportunities must go beyond the program that the student would receive as part of a general education.
- (c) Districts shall adopt board policies relating to caseloads and class sizes for gifted students which:
  - (1) Ensure the ability of assigned staff to provide the services required in each gifted student's GIEP.
  - (2) Address all the educational placements for gifted students used by the district.
  - (3) Limit the total number of gifted students that can be on an individual gifted teacher's caseload to a maximum of 75 students. Beginning July 1, 2010, the total number of gifted students that can be on an individual gifted teacher's caseload is limited to a maximum of 65 students.
  - (4) Limit the total number of gifted students that can be on an individual gifted teacher's class roster to a maximum of 20 students.
- (d) Caseload and class size maximums may be waived by the Secretary upon written request by the district for extenuating circumstances.
- (e) Gifted educational placement may not be based on one or more of the following:
  - (1) Lack of availability of placement alternatives.
  - (2) Lack of availability or efforts to make educational or support services available.
  - (3) Lack of staff qualified to provide the services set forth in the GIEP.
  - (4) Lack of availability of space or of a specific facility.
  - (5) Administrative convenience.

## **PROCEDURAL SAFEGUARDS**

### **§ 16.63. Impartial due process hearing.**

- (a) Parents may request in writing an impartial due process hearing concerning the identification, evaluation or educational placement of, or the provision of a gifted education to, a student who is gifted or

who is thought to be gifted if the parents disagree with the school district's identification, evaluation or placement of, or the provision of a gifted education to the student. Unless the school district and the parent of the child agree otherwise, the child involved in the hearing shall remain in the child's current educational placement pending the outcome of the hearing.

(b) A school district may request a hearing to proceed with an initial evaluation or a reevaluation when a parent fails to respond to the district's proposed evaluation or reevaluation. When a parent rejects the district's proposed educational placement, other than the initial placement, the school district may request an impartial due process hearing. If the parent fails to respond or refuses to consent to the initial provision of gifted services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

(c) The hearing shall be conducted by and held in the local school district at a place reasonably convenient to the parents. At the request of the parents, the hearing may be held in the evening. These options must be set forth in the form provided for requesting a hearing.

(d) The hearing must be an oral, personal hearing and be open to the public unless the parents request a closed hearing 5 days in advance of the hearing. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public. If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.

(e) The decision of the hearing officer must include findings of fact, a discussion and conclusions of law. Although technical rules of evidence will not be followed, the decision must be based solely upon the substantial evidence presented during the course of the hearing.

(f) The hearing officer shall have the authority to order that additional evidence be presented.

(g) A written transcript of the hearing shall, upon request, be made and provided to parents at no cost.

(h) Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to students who are gifted.

(i) A parent or a parent's representative shall be given access to educational records, including any tests or reports upon which the proposed action is based.

(j) A party may prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least 5-calendar days before the hearing.

(k) A party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.

(l) The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. In notifying the parties of the decision, the hearing officer shall indicate the courts to which an appeal may be taken.

(m) The following applies to coordination services for hearings and to hearing officers:

(1) The Secretary may contract for coordination services for hearings related to a child who is gifted or thought to be gifted. The coordination services may include arrangements for stenographic services, arrangements for hearing officer services (including the compensation of hearing officers), scheduling of hearings and other functions in support of procedural consistency and the rights of the parties to hearings.

(2) A hearing officer may not be an employee or agent of a school district in which the parents or student resides, or of an agency which is responsible for the education or care of the student. A hearing officer shall promptly inform the parties of a personal or professional relationship the officer has or has had with any of the parties. The compensation of hearing officers does not cause them to become employees of the Department.

(n) The following timeline applies to due process hearings:

(1) A hearing shall be held within 30-calendar days after a parent's or school district's initial request for a hearing.

(2) The hearing officer's decision shall be issued within 45-calendar days after the parent's or school district's request for a hearing.

(o) Each school district shall keep a list of the persons who serve as hearing officers. The list must include the qualifications of each hearing officer. School districts shall provide parents with information as to the availability of the list and make copies of it available upon request.

(p) The Department will report to the Board by October 1 each year on the number of impartial due process hearings held during the previous school year. The report will also provide a Statewide summary of the results of the hearings in a manner that will not violate the confidentiality of children and families. The report will also address actions taken during the previous school year and future plans to strengthen the activities of due process hearings.

(q) Upon receipt of a final decision from a hearing officer or a court, the school district shall provide to the Department an assurance of its implementation of the order. The assurance shall be filed within 30 school days of the date of the final decision.

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