

# PENN MANOR SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: March 18, 2011

REVISED:

## 114-AR. GIFTED EDUCATION

### Definitions

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

**Gifted Individualized Education Plan (GIEP)** – written plan describing the education to be provided to a gifted student, initially based on and responsive to the results of an evaluation.

**Gifted Multidisciplinary Evaluation (GMDE)** – systematic process of testing, assessment and other evaluative processes used by a team to develop a recommendation about whether a student is gifted and needs gifted education.

**Gifted Multidisciplinary Team (GMDT)** – team of designated individuals who conduct a GMDE.

**Gifted student** – school-age student who meets the definition of mentally gifted; school-age student with an IQ of 130 or higher who meets established multiple criteria indicating gifted ability; school-age student with an IQ lower than 130 when other educational criteria strongly indicate gifted ability.

**Mentally gifted** – outstanding intellectual and creative ability, the development of which requires specially designed programs and/or support services not ordinarily provided in the regular education program.

**Specially designed instruction** – adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials or a specialized curriculum for gifted students.

**Support services** – required services to assist a gifted student to benefit from gifted education, to include: psychological service, parent counseling and education, counseling services, transportation to and from gifted programs to classrooms in district buildings.

### Annual Awareness Activities

The district must annually conduct awareness activities to inform parents/guardians of school-age children residing within its boundaries, enrolled both in public and non-public schools, about gifted education services and programs, as well as how to request these services and programs.

The district will distribute information by using a public outreach awareness system that can reach all parts of the community, including parents/guardians of school-aged children not enrolled in district schools.

Written notice about the district's gifted education services and programs may be provided by:

1. Publication in local newspapers.
2. Printing in district publications and/or literature, including student handbooks.
3. Distribution in private schools serving resident children.
4. Posting on district web site.

#### Dual Exceptionalities

If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence. For students identified with dual exceptionalities, the needs established under gifted status must be fully addressed in those procedures.

The district is not required to conduct separate screening and evaluations or use separate procedural safeguards processes to provide for a student's needs as both a gifted and eligible student.

A single IEP will be developed and implemented, revised and modified for students who are identified as both a gifted and eligible student.

#### Screening And Evaluation Process

The district is required to locate and identify all students of school age (grades K-12) residing within its boundaries who are thought to be gifted and in need of specially designed instruction.

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 education. Determination of mentally gifted must include an assessment by a certified school psychologist.

Multiple criteria indicating gifted ability include:

1. A year or more above grade achievement level for the normal age group in one (1) or more subjects as measured by nationally normed and validated achievement tests able to accurately reflect gifted performance. Subject results will 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 (1) 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, gender or race bias, or socio/cultural deprivation are masking gifted abilities.

Parents/Guardians who suspect their child is gifted will submit a completed Permission to Evaluate Gifted Student Form to request a GMDE at any time, with a limit of one (1) request per school term.

If a teacher or parent/guardian suspects that a student is gifted, the district will refer that student for a Gifted Multidisciplinary Evaluation (GMDE), provided that either the student's parent/guardian has completed and submitted the district form to give permission for an evaluation or the student is thought to be gifted as a result of the district's screening.

#### Gifted Multidisciplinary Evaluation (GMDE)

Prior to conducting an initial GMDE, the district will comply with the required parental notice and consent requirements.

A GMDE will be conducted by a Gifted Multidisciplinary Team (GMDT) formed on the basis of the student's need and comprised of the following:

1. Student's parents/guardians.
2. Certified school psychologist.
3. Individuals familiar with the student's educational experience and performance.
4. One (1) or more of student's current teachers.
5. Individuals trained in appropriate evaluation techniques.
6. Individuals familiar with the student's cultural background, when possible.

A single member of the GMDT may meet two (2) or more of these qualifications.

The GMDE 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. GMDE procedures will include opportunities to acquire sufficient information

to make a determination as to whether a student is gifted and in need of specially designed education. The evaluation process will include information from parents/guardians, others who interact with the student on a regular basis, and may include information from the student if appropriate.

The GMDE may include but is not limited to ability tests; nationally normed and validated achievement assessments; individualized achievement assessments; class work samples; curriculum-based assessments; cumulative review tests; performance-based skills as demonstrated in portfolios, products, projects, competitions or other demonstration of skills; teacher observations; and noteworthy achievements.

Because disabilities and bias factors may mask gifted abilities, the district will examine discrepancies between ability assessment results and academic achievement or demonstrated skills. No one test or measure will be used to determine giftedness, and the evaluation and testing literature recognizes that there is a margin for error in any standardized testing.

Tests and similar evaluation materials used to determine giftedness will be administered by certified school psychologists and professionally validated for the specific purpose for which they are used.

Following its evaluation, the GMDT will prepare a Gifted Written Report (GWR) that brings together the information and findings from the evaluation or reevaluation regarding the student's educational needs and strengths. The report must make recommendations as to whether a 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.

The GMDT will determine eligibility as to whether the student is gifted and in need of specially designed instruction.

The initial evaluation will be completed and a copy of the written evaluation report provided to the parents/guardians no later than sixty (60) calendar days after the district receives parental consent for evaluation. The calendar days from 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.

#### Gifted Multidisciplinary Reevaluation

Gifted students will be reevaluated before a change in educational placement is recommended. Gifted students also may be reevaluated at any time by recommendation of the GIEP team.

Reevaluations will be conducted in accordance with the administrative regulations for GMDE.

Reevaluations must include a review of the student's GIEP, determination of successful instructional activities, and recommendation for revision of the GIEP.

The reevaluation timeline is sixty (60) calendar days. 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.

#### Gifted Individualized Education Program

A GIEP team will develop an initial GIEP and determine educational placement of a student, based on the evaluation report and the gifted student's needs.

Each GIEP team will include the following:

1. One (1) or both of student's parents/guardians.
2. Student, if the parents/guardians choose to have the student participate.
3. District representative, who serves as the Chairperson, is knowledgeable about the availability of district resources, and is authorized to commit district resources.
4. One (1) or more of student's current teachers.
5. Teacher of the gifted.
6. Other individuals at the discretion of either the parents/guardians or the district.

Revisions to a GIEP, changes in educational placement, or continuation of educational placement will be made by the GIEP team, based on a review of the student's GIEP and instructional activities, present levels of activity, and information in the most recent evaluation. During the development, review or revision of a GIEP, the GIEP team will determine whether the gifted student needs one (1) or more support services.

The district will use any one (1) or a combination of the following procedures to ensure that parents/guardians of a gifted student are offered the opportunity to be present at each GIEP meeting: documented telephone calls, letters and certified letters with return receipts. The district will maintain documentation of its efforts to encourage parents/guardians to attend.

In an effort to ensure parent/guardian participation in a GIEP meeting, the district will include the following information in the parent/guardian invitation:

1. Purpose, time and location of the meeting.
2. Names of individuals expected to attend.
3. Procedural rights available to protect the student and parent/guardian, in language that is clear and fully explains all rights.
4. That a determination will be made at the meeting as to whether the student is gifted.

5. That if the student is gifted, a GIEP will be developed.

The parents/guardians and other individuals attending the meeting will be notified at least ten (10) calendar days in advance.

Each gifted student's GIEP will be based on the GMDT's written report and will contain the following:

1. Statement of the student's present levels of educational performance.
2. Statement of annual goals and short-term learning outcomes that are responsive to the learning needs identified in the evaluation report.
3. Statement of the specially designed instruction and support services to be provided to the student. For an eligible student with a disability, this includes accommodations and modifications in accordance with 34 CFR 300.320(a)(4).
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. Names and positions of GIEP team participants and date of the meeting.

A copy of the GIEP will be provided to parents/guardians, along with a notice of parental rights relating to procedural safeguards. Safeguards recognize parents/guardians have the right to submit an independent educational evaluation, but such evaluations are not conducted at district expense.

A GIEP will be developed within thirty (30) calendar days after issuance of a GMDT's written report and implemented no more than ten (10) school days after it is signed or at the start of the following school year if completed less than thirty (30) days before the last day of scheduled classes.

GIEP team meetings will be convened at least annually, or more frequently if conditions warrant, and at the request of a GIEP team member, parent/guardian, student or school district.

#### Educational Placement

Gifted education must be an individualized program that addresses the gifted student's needs and academic abilities. Acceleration, enrichment, or both are required for gifted students. A gifted program must be reasonably calculated to yield meaningful educational benefit from the rate, level and manner of instruction. Strands of the academic standards and assessments may be reorganized across grade levels to allow the gifted student to show mastery at an earlier stage of development and to provide meaningful educational benefit of at least one (1) year's growth for a year spent in school. This individualized program should be presented as a continuum of learning options for the gifted student.

Specially designed instruction for gifted students may result in adapting or modifying the general curriculum, including compacting learning experiences, accelerating the student, or placing the student in more than one (1) grade level. Specially designed instruction may also have an impact on instructional environments, methods, and materials. District staff will be informed that the use of extra work, peer tutoring, or helping the teacher does not constitute specially designed instruction or gifted education, and Advanced Placement or Honors courses are not in and of themselves gifted education if they do not respond to the gifted student's individual needs.

Depending on a student's abilities and achievements, options for gaining credit for learning obtained outside the school district or advanced placement within the school district may be considered. Additionally, credit by examination may be an option. Graduation planning may be part of the GIEP process, because acceleration sets the stage for earning credits early or out of sequence, for early graduation, and/or for early admission to college.

Gifted educational placement will not be based on one (1) 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 a specific facility.
5. Administrative convenience.

#### Notice

The district will document and provide notice to the parents/guardians of gifted students at least ten (10) school days prior to:

1. Conducting a GMDE or placing a student in a gifted program.
2. Conducting a gifted multidisciplinary reevaluation.
3. Initiating or changing the identification, evaluation or educational placement of a student.
4. Refusing to initiate or change the identification, evaluation or educational placement of a student.
5. Making any significant changes to the GIEP.

Prior written notices must be written in language understandable to the general public. If necessary, the contents of notices will be communicated orally in the native language or directly so that parents/guardians can understand the content.

The notice will include the following:

1. Description of the action proposed or refused by the district, an explanation of why the action is being taken, and description of options the district considered and the reasons those options were rejected.
2. Description of each evaluation procedure, type of test, record or report used as a basis for the action. The district will consider any outside evaluation submitted by a parent/guardian.
3. Description of other factors relevant to the district's decision.
4. Full explanation of the parental rights and procedural safeguards available to the student or parents/guardians, including the right to and description of an impartial hearing.
5. Addresses and telephone numbers of organizations available to assist.
6. Timelines involved in conducting an evaluation, developing a GIEP, and initiating a hearing.

#### Consent

The district will document that written parental consent is obtained prior to conducting an initial GMDE, initially placing a student in a gifted program, and disclosing information identifiable to a gifted student to unauthorized individuals.

A student's completed GIEP will be provided to the parents/guardians, along with a notice of recommended assignment signed by the superintendent and a notice of parental right to an impartial due process hearing. The GIEP and notices will be provided at the conclusion of the GIEP conference or by certified mail within five (5) calendar days after the completion of the GIEP conference.

The parents/guardians have ten (10) calendar days to respond to a notice of recommended assignment sent by mail. The parents/guardians have five (5) calendar days to respond to a notice of recommended assignment presented at the conclusion of the GIEP conference. If the parents/guardians receive the notice in person and approve the recommended assignment within the five (5) days, the district will not implement the GIEP for at least five (5) calendar days, to give the parents/guardians an opportunity to revoke approval within the five-day period.

If a parent/guardian 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.

#### Impartial Due Process Hearing

Parents/Guardians may request in writing an impartial due process hearing regarding the identification, evaluation, educational placement, or provision of a gifted education to a student if the parents/guardians disagree with the district's determination.

A student involved in a hearing will remain in the current educational placement pending the outcome of the hearing, unless the district and the parents/guardians agree otherwise.

The district may request in writing a hearing to proceed with an initial evaluation or reevaluation when a parent/guardian fails to respond to the district's proposed evaluation or reevaluation. The district may request in writing a hearing when the parent/guardian rejects the district's proposed educational placement, other than initial placement. If a parent/guardian 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.

A hearing will be held within thirty (30) calendar days after the initial request for a hearing made by the parent/guardian or the school district.

The due process hearing will be conducted by and held in the school district at a place convenient to the parents/guardians. The parents/guardians may request the hearing be held in the evening. The form provided for requesting a hearing must state these options.

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

The hearing officer's decision must include findings of fact, a discussion and conclusions of law, and be based solely upon the substantial evidence presented.

The hearing officer has the authority to order that additional evidence be presented.

Upon request, a written transcript of the hearing will be made and provided to the parents/guardians at no cost.

Parents/Guardians may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to gifted students.

A parent/guardian or his/her representative will be given access to educational records, including tests or reports that are the basis of the proposed action.

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

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

The hearing officer's decision will be issued within forty-five (45) calendar days after the request for a hearing made by the parent/guardian or school district.

The hearing officer's decision may be appealed to a court of competent jurisdiction. When notifying the parties of the decision, the hearing officer will indicate the courts to which an appeal may be taken.

The district will maintain a list of hearing officers, including the qualifications of each. The district will notify parents/guardians of the availability of the list and provide copies, upon request.

Upon receipt of a final decision from a hearing officer or court, the district will provide to the Department of Education an assurance of its implementation of the order within thirty (30) school days of the date of the final decision.