FAQ for Superintendents

|  |
| --- |
| Evaluation |
| **When are reevaluations needed?**  According to the Pennsylvania Code (22 Pa. Code Chapter §16.23(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”. Educational placement is defined in the glossary as the overall educational environment in which gifted education is provided to a gifted student. The GMDT is the only team authorized to make an eligibility determination and in a reevaluation the team’s focus is whether the gifted child is still in need of specially designed instruction. |
| **What are the processes for discontinuation of services?**  Only a Gifted Multidisciplinary Team (See Basic Education Circular-GIEP Planning Meeting, 2009) can make the decision to discontinue services after a reevaluation has occurred. The district should then issue a Notice of recommended Assignment (NORA), which requires a parent signature as well as the superintendent’s signature, to confirm agreement or disagreement. |
| **What needs to be involved in the reevaluation process?**  Reevaluations must include a review of the student’s Gifted Individualized Education Plan, a determination of which instructional activities have been successful, and the recommendations for the revision of the Gifted Individualized Education Plan. (22 Pa. Code §16.23(c)) Reevaluations must be documented in a Gifted Written Report. (22 Pa. Code §16.23(b)) |
| **Can a district hold off on screening until a particular grade? Do we also need to screen at the middle and high school level? Can that look different?**  Each school district shall (22 Pa. Code §16.21(a)) 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. According to the glossary, the term (gifted student) applies only to students who are of ‘‘school age’’ as defined under  § 11.12 (relating to school age). Therefore a district cannot hold off until a particular grade to begin screening. When considering a screening protocol for students, it is best practice to be as universal as possible to ensure no student has been overlooked. Using one particular test, or only in one domain area (i.e., literacy) is not an effective or universal screening process and it necessary to use alternate screening methods if test bias is evident (22 Pa. Code §16.22(g)(3)(i.). |
| **What’s the difference between screening and evaluation?** **What are the purposes for each of them?**  Screening is the systematic process initiated by the district to annually locate students thought to be potentially gifted and need of specially designed instruction. There is no defined screening team, process, or timeline in Chapter 16, however notice is provided annually. If 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, then a referral for a gifted multidisciplinary evaluation shall be made (22 Pa. Code §16.22(b)(2). The district cannot proceed with the evaluation until it receives signed parental consent. A Gifted Multidisciplinary Evaluation is 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. |
| **Can a district refuse an evaluation if a screening process indicates that student is not likely gifted?**  Per **§ 16.61.** (a) A school district shall document the provision of written notice to the parents of a gifted student at least 10 school days prior to one or more of the following events: (2) The school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student, or proposes or refuses to make any significant changes in the GIEP. The notice shall include **§ 16.61.** (d)(1) a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action and a description of options the district considered and the reasons why those options were rejected. |
| **How are GMDT and GIEP teams different?**  The **Gifted Multidisciplinary Team** (22 Pa. Code §16.22(d)) must include the following individuals:     * 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. * Person familiar with the student's cultural background when possible. * A single member of the Gifted Multidisciplinary Team may meet two or more of the qualifications specified above.   The **Gifted Individualized Education Plan team** (22 Pa. Code §16.32(c)(1-6))  must include persons who meet the following qualifications:   * One or both of the student’s parents. * The student, if the parent chooses to have the student participates. * A representative of the district who:   + Serves as the chairperson of the Gifted Individualized Education Plan team;   + Is knowledgeable about the availability of resources of the district; and   + Is authorized by the district to commit those resources. * One or more of the student’s current teachers. * Other individuals at the discretion of either the parents or the district. * A teacher of the gifted. |
| **Does our district have to address how we locate and potentially identify students from underrepresented populations?**  A school district must locate and identify all students of school age who reside within  the district who are thought to be gifted and in need of specially designed instruction. If students from underrepresented populations are enrolled in the district then they fall under the category of “all.” |
| **When a student is exited from services, does that mean they are no longer eligible if needs change in subsequent years?**  No, if a Gifted Multidisciplinary Team determines a student already identified as gifted is in need of specially designed instruction, the team makes a recommendation through a completed Gifted Written report, as the result of an evaluation/reevaluation to the Gifted Individualized Education team. |
| **How do we address identified gifted students who are failing either in general education or gifted educational goals?**  If the student is failing in her/her goal area then the GIEP team will need to reconvene to review the appropriateness of the goal and specially designed instruction and make any necessary changes. If the revisions to the GIEP are not successful, then a reevaluation may be conducted to determine if there are masking traits preventing the student from being successful or if the student continues to need specially designed instruction. If the student is failing in an area outside of his or her goals, then the normal protocols apply to the student identified as gifted as any non-exceptional student. |
| **Legal** |
| **Is FAPE provided for gifted students?**  Yes, only when a gifted student is also identified with a disability and receiving services under chapter 14. There is no provision for FAPE under Chapter 16. |
| **What are the consequences of not being in compliance with Chapter 16?**  According to **§ 16.6** 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. In addition, a complaint process is established which may result in the development of a corrective action plan. According to  **§16.6(e)(4)** enumeration of enforcement steps to be employed by the Department if the district does not implement the corrective action. |
| **What’s the difference between mediation and due process - and are there any other options for conflict resolution?**  Mediation is a process in which parents and agencies involved in a special education  for gifted students dispute may obtain the assistance of an impartial mediator in  attempting to reach a mutually agreeable settlement **§ 16.64. (a).** The parents or district may request an impartial due process hearing. Parents may proceed with or without legal representation. In addition, parents can petition the Office of Dispute Resolution to request GIEP Facilitation. Since this is a more recent option, it is not delineated in Chapter 16 regulations. A GIEP facilitator is assigned to attend the GIEP meeting and act in the capacity of a facilitator to open up lines of communication between the district and the parents. The three conflict resolution options can be initiated concurrently and any one of them can be cancelled by the party that inititates the action at any point in the timeline. |
| **What are timelines for acting upon parent questions/requests about issues related to gifted education?**  **§ 16.32. GIEP.**  (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. **§ 16.61. Notice.** (a) A school district shall document the provision of written notice to the parents of a gifted student at least 10 school days prior to one or more of the following events:  (1) The school district proposes to conduct a gifted multidisciplinary evaluation or reevaluation of the student.  (2) The school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student, or proposes or refuses to make any significant changes in the GIEP.  (b) A change in the identification, evaluation, educational placement or GIEP of a gifted student may not be made during the pendency of an administrative or judicial proceeding unless agreed to by the parties to the proceeding.  (c) The content of notices to the parents shall be written in language understandable to the general public. If necessary, the content of notices shall be communicated orally in the native language or directly so that the parents understand the content of the notices  The following timeline applies to due process hearings: **§ 16.62. Consent** When completed, the GIEP provided for in § 16.32 (relating to GIEP) shall be presented to the parents, along with a notice of recommended assignment signed by the school district superintendent provided for in § 16.61 (relating to notice) and a notice of parental right to an impartial due process hearing under § 16.63 (relating to impartial due process hearing). The notice shall be presented to the parents in person at the conclusion of the GIEP conference or by certified mail within 5-calendar days after the completion of the GIEP conference.  (5) The parents shall have 10-calendar days to respond to a notice of recommended assignment sent by mail or 5 calendar days to respond to a notice presented in person at the conclusion of a GIEP conference. If the parents receive the notice in person and approve the recommended assignment within 5-calendar days, the school district may not implement the GIEP for at least 5-calendar days, to give the parents an opportunity to notify the district within the 5-day period of a decision to revoke the previous approval of the recommended assignment.  **§ 16.63. Impartial due process hearing.**  (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. **§ 16.64. Mediation.** (j) A GIEP team shall be convened, within 10 school days following the mediation agreement, to incorporate the mediation agreement into the GIEP. |
| **How do we address transfer students from out of state?**  Student Transfers (Military) Per the **INTERSTATE COMPACT ON**  **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN (2012),**  the receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.  Student Transfers (Nonmilitary). If a student moves into Pennsylvania with documentation that suggests the student is identified as gifted, the receiving school district should issue Permission to Evaluate. Upon receipt of the signed Permission to Evaluate, the district will conduct an evaluation. The district can choose to consider information from an outside evaluation, but eligibility in PA is determined by a Gifted Multidisciplinary Team with a certified school psychologist (**§16.21(d)).** |
| **If the only oversight for our Gifted Education Plan is the approval of our school board, then when changes are made to the tool or expectations, how do we revise the plan?**  The same procedure that is used to approve the original; plan is also employed when updating the plan. Per **§ 4.13.(c)(14)(e),** a school district shall make its Gifted Education Plan available for public inspection and comment for a minimum of 28 days prior to approval of the plan by the school district’s board of directors. |
| **According to the letter sent to Superintendents after Compliance Monitoring it states :**  **“Monitoring of gifted education programs is also intended to ensure that school districts are satisfying their responsibility to gifted students as exceptional students as defined in Article 13 of the School Code. School districts that refuse or neglect to comply with Article 13 risk a potential forfeiture of any part, or all, of their state appropriation pursuant to 24 P.S. § 13-1357. Likewise, professional disciplinary action may be initiated against administrators and educators that demonstrate a continuing or persistent failure to offer gifted education programming as is required by Article 13 and Chapter 16. 24 P.S. § 2070.9c,22 Pa Code § 237.8.”**  **Has this ever happened?**  No, at the current time this action has not been necessary. |
| **Professional Development** |
| **What is the mandated training for gifted education?** **§ 16.5. Personnel.** (a) Professional personnel shall consist of certified individuals responsible for identifying gifted students and providing gifted education in accordance with Article XI of the School Code (24 P. S. § § 11-1101—11-1192) and this title.  (b) Paraprofessional personnel consist of individuals who work under the direction of professional personnel as defined in this chapter. The duties and training of the paraprofessional staff shall be determined by the employing agency.  (c) A school district and intermediate unit shall provide, under section 1205.1 of the School Code (24 P. S. § 12-1205.1), in-service training for gifted and regular teachers, principals, administrators and support staff persons responsible for gifted education. |
| **Programming** |
| **Can a district only offer enrichment, not acceleration?**  No, according to Chapter 16, gifted services include enrichment, acceleration, or a combination of both as recommended by the Gifted Multidisciplinary team or planned for by the Gifted Individualized Education Plan team. |
| **Should we be writing a separate gifted curriculum?**  No. The curriculum of this program is to be adapted from the regular basic education curriculum (Centennial School District v. Department of Education, 539 A.2d 785 (Pa. Cmwlth .1988) |
| **What are the indicators that separate need for enrichment versus acceleration?**  The GIEP team needs to determine where the student is in relation to the grade/course work and if the students’ needs for enrichment or acceleration or both are being met. If the students’ needs are not being met, then the GIEP team create a plan for the student to receive specially designed instruction. |
| **Can general, non-academic courses, (arts) unrelated to a student’s academic strength area or instructional standard, fulfill a district’s obligation to provide gifted services?**    Per Chapter 16 requirements, specially designed instruction needs to be individualized based on a student’s academic strength and standards based goals need to be developed related directly to that student’s strength area. |
| **Are extra-curricular options enough to meet the needs of gifted student?**  No. Gifted education is 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.  “Although gifted exceptional students are entitled to a program of special education which will address the student's individual needs, the district's responsibility to provide such is not without bounds.... The curriculum of this program is to be adapted from the regular basic education curriculum….We do not, however, construe the legislation as authorizing individual tutors or exclusive individual programs outside or beyond the district's existing, regular and special education curricular offerings. “  (Centennial School District v. Department of Education, 539 A.2d 785 (Pa. Cmwlth .1988) |
| **How do we define the difference of “good for all” (general education) and necessary for a gifted student (specially designed instruction).**  According to ODR Case # 17252-1516KE, “Pennsylvania local school districts are given a tremendous degree of flexibility in meeting academic standards  through the delivery of a curriculum of its choosing and structuring, as well as the assessment of student performance within that curriculum. All of this is explicitly  and solely in the control of local school districts, as ultimately promulgated by a school district’s board of school directors.” Therefore the local school district determines the curriculum - A series of planned instruction aligned with the academic standards in each subject that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students andp*Planned instruction* offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and **ANY** additional academic standards **as** determined by the school entity. ( **§ 4.3. Definitions.)** |
| **Is there a difference between a case manager and a gifted support teacher?**  The role of “case manager” does not exist in Chapter 16. Every gifted student has a GIEP team and that GIEP team includes a *gifted support teacher*. Gifted support teachers must hold a Pennsylvania Instructional Certification. 16.5. Personnel.  (a) Professional personnel shall consist of certified individuals responsible for  identifying gifted students and providing gifted education in accordance with Article XI of the School Code (24 P. S. § § 11-1101—11-1192) and this title. |
| **How strictly must we adhere to the caseload?**  Section 16.41 (3) and (4) limit the total number of gifted students which can be on an individual gifted teacher's caseload to a maximum of 65 students and limits the total number of gifted students that can be on an individual gifted teacher's class roster to a maximum of 20 students. Caseload and class size maximums may be waived by the Secretary upon written request by the district for extenuating circumstances. Chapter 16 does not quantify the level of service; therefore, it does not prorate case limits based on the amount of service provided. Chapter 16 does not allow for “monitoring only” GIEP’s since each plan requires a goal that is broken down into short term learning outcomes and supported through specially designed instruction. |
| **Are there support services and/or technical assistance available to districts?**  A school district and intermediate unit shall provide, under section 1205.1 of the  School Code (24 P. S. § 12-1205.1), in-service training for gifted and regular teachers,  principals, administrators and support staff persons responsible for gifted education. (**§ 16.5. Personnel.(c))** |