

The New Gifted Education

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§ 16.1. Definitions.

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



§ 16.4. Strategic plans.

- *District's Strategic Plan must now address:*

- the process for identifying children who are gifted and in need of specially designed instruction;
- the gifted special education programs offered;
- and*

Provide reports of students, personnel and program elements, including costs as the Department may require.



§ 16.6. General supervision.

- *PDE will now conduct onsite gifted compliance monitoring*
- *Watch for the BEC for the outline of the process and scheduling*

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§ 16.6. General supervision.

- *PDE will establish a Complaint Process that includes:*
 - A process for parents to file complaints and for districts to respond;
 - A resolution process;
 - A corrective action plan; and
 - Enforcement procedures

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§ 16.7. Special education.

- *A single, joint IEP is now required for students who are eligible for both gifted and special ed.*

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§ 16.21. General.

- ***New Parent-Awareness Requirements:***

(§16.21(b))

- Awareness activities are now required to be conducted annually
- Must now include providing information in local newspapers, other media, student handbooks and on the school district web site.

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IMPORTANT!!!

- **New and VERY different eligibility requirements . . .**



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Multiple Criteria (Overview)

1. A year or more above grade achievement level
2. Acquisition/retention rates that reflect gifted ability.
3. Demonstrated achievement, performance or expertise in one or more academic areas.
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. Evidence that intervening factors are masking gifted abilities.



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Multiple Criteria (contd.)

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.
 - PDE has clarified the last sentence in its FAQ – “subtests of achievement tests should provide results that can be used to determine placement in academic instruction in all academic subject areas.”



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Multiple Criteria (contd.)

2. **An observed or measured rate of acquisition/retention of new academic content or skills that reflect gifted ability.**
 - PDE states that the info can be obtained through curriculum -based assessment, direct observation and reporting from parents, teachers and/or supervisors.
 - PDE mentions the Chuska Scales for Rate Acquisition and Retention, which was included in the previous guidelines.



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Multiple Criteria (Contd.)

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.**
 - PDE maintains that evaluations by “a professional staff or an expert in the particular academic area” would be used to report this.



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Multiple Criteria (Contd.)

- 3. Demonstrated achievement, performance or expertise . . .

Best Practices for This One:

- Have specific criteria for the team to reference (try to make the process as objective as possible);
- Assemble a good team who can provide well-rounded feedback;
- Listen to the parents and document what they have to say;
- Document!! Make sure all discussion is documented, particularly that reflecting the reasoning behind the eligibility decision;
- Don't have a "predetermined" mindset – make sure the decision is (and appears to be) based on all of the information presented at the meeting.



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Multiple Criteria (Contd.)

- 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.
- PDE says this could include "checklists, inventories and anecdotal notes" as well as "documentation of developmental milestones that are reached earlier than average students reach the milestones."
- Practical issue: How do we track/measure progress that occurred before the child was in the school system?
- PDE gives example of infant/toddler language development (Harrison chart).



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Multiple Criteria (Contd.)

- 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.
- PDE gives examples of high-level thinking skills: eg. a child who can speak before age one or read before kindergarten.



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Multiple Criteria (Contd.)

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.

- Consider this for all Gifted eligibility determinations.
- Can use short questionnaire for parents. Can't rely on questionnaire alone, though. The District must make its own observations/inquiries.



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§ 16.22. Gifted multidisciplinary evaluation.

- *Districts must have an evaluation request form "readily available" that professional staff and administrators can provide to parents who request an evaluation of their child. §16.22(c)*



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§ 16.22. Gifted multidisciplinary evaluation. (Contd.)

- **New Timelines:**
 - *A parent must be provided with the evaluation request form within 10 calendar days of an oral request for Gifted evaluation. §16.22(c)*
 - *Initial Gifted evaluations must now be completed in 60 calendar days. §16.22(j)*
 - Summer is not counted in the calculation



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§ 16.22. Gifted multidisciplinary evaluation. (Contd.)

- *The GMDT written report must include recommendations as to whether the student is gifted;*
- *and in need of specially designed instruction;*
- *and for the student's programming. §16.22(h)*

[Previous regulations only required that the GMDT make recommendations regarding eligibility.]



§ 16.23. Gifted multidisciplinary reevaluation.

- *Reevaluations must be completed and presented to parents no later than 60 calendar days after the district receives written permission to reevaluate.*

Summer is not counted in this calculations.



§ 16.31. General.

- **Grandfathering Provision (§16.31(c)):**
 - *All students eligible for gifted under the old regs. must continue to receive gifted services until:*
 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.*
 - Not a true "grandfathering" provision, because §16.31(C)(3) allows a GMDT to deem a previously eligible student ineligible under the new regulations.
 - Merely provides procedural protections for currently identified students – **This provision really just provides that a student must go through the eligibility process and receive the procedural protections under the new regs. before they can be deemed ineligible under them.**



§ 16.32. GIEP – New Requirements.

- *New requirements make GIEPs more closely mirror IEPs –*
- *New requirement that the GIEP be based on the gifted multidisciplinary team's written report. §16.32(a)*
- *New requirement that a teacher of the gifted be included on the GIEP team. §16.32(b)(6).*



§ 16.32. GIEP – New Requirements. (Contd.)

- *Present education levels to be included in both the initial and all revisions to the GIEP. §16.32(d)(1).*
- *New Section – “Accommodations and Modifications” section must be added for all eligible IDEA students. §16.32(d)(3).*



§ 16.32. GIEP – New Requirements. (Contd.)

- *New requirement that the GIEP specify the anticipated frequency and location of gifted education. §16.32(d)(4).*
- *New requirement - The District must notify the teachers of their GIEP responsibilities for each of their Gifted students. §16.32(f).*
 - *All teachers responsible for implementing a GIEP should be given a copy*



§ 16.32. GIEP – New Requirements. (Contd.)

- ***New requirement?? – A GIEP meeting to be convened at the request of a GIEP team member, the parent, the student or the school district. §16.32(g)(4).***
 - The final form regulation summary of changes lists this as a change, but it existed in the previous version of the law under §16.32(g)(3). Nothing new here, just a move to its own subsection.

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§ 16.41. General.

- ***To begin in 2010/11 school year – maximum gifted teacher's caseload to be reduced from 75 to 65 students.***
 - Total number of gifted students on an individual teacher's class roster will remain at the current level of 20 students.

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§ 16.63. Impartial due process hearing.

- ***Pendent Placement Provision §16.63(a) – now mirrors Special Ed.***
 - A student involved in a due process hearing must remain in his/her current educational placement until the outcome of the hearing, unless the school district and the parent of the student agree otherwise.

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§ 16.63. Impartial due process hearing. (Contd.)

- § 16.63(b). *District CAN seek hearing/mediation for:*
 - *Parent's failure to respond to initial evaluation or reevaluation.*
 - *Parent's rejection of a proposed placement that is different than the initial placement.*
- *District CANNOT seek hearing/due process for:*
 - *parent's refusal of or failure to respond to consent to initial provision of gifted services.*



§ 16.63. Impartial due process hearing. (Contd.)

- *New regs. provide for the state's compensation of hearing officers for gifted hearings and also states that compensation of hearing officers does not cause them to become employees of the Department.*
- *Additional PDE internal requirements*



§ 16.63. Impartial due process hearing. (Contd.)

- *Important!!*
 - *Upon receipt of a final decision from the hearing officer or court, District must provide to the Department an **assurance** of its implementation of an order within 30 school days of the date of the final decision.*



QUESTIONS?



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