Pennsylvania Training and Technical Assistance Network (PaTTAN)
www.pattan.net
800-360-7282 (Harrisburg)
800-441-3215 (King of Prussia)
800-466-5607 (Pittsburgh)
Serves as the training and technical assistance branch of the state's Bureau of Special Education and maintains a website with information and publications for parents/guardians.

Office for Dispute Resolution
www.odr-pa.org
800-222-3353
Manages Pennsylvania's special-education mediation and due process system and offers resources to resolve educational disputes for children served by an early-intervention system and for students who are gifted and students with disabilities.

How Can I Locate an Attorney?

Visit the Pennsylvania Bar Association Lawyer Referral Service online at www.pabar.org. Most counties have this same service at the local level.

Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

100 South Street, Harrisburg, PA 17101

www.pabar.org

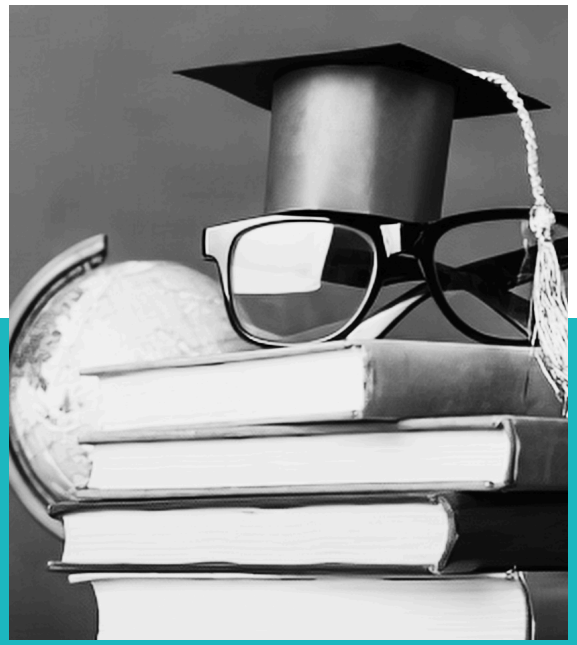
msc@pabar.org

800-932-0311

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Education Rights for Mentally Gifted Students

What Laws and Regulations Protect Children Found to be Mentally Gifted?

Gifted education is mandated under Pennsylvania law and is placed under the joint jurisdiction of the Pennsylvania Department of Education's Bureau of Teaching and Learning Support and the Bureau of Special Education. The requirements placed on public school districts to provide gifted students with specially designed instruction are found in Title 22, Chapter 16, of state education law. The School Code permits, but does not require, parochial and private school students to participate in public-school gifted services. Charter and cyber schools are not required to provide gifted services.

What is the Definition of Mentally Gifted?

Mentally gifted is defined as "outstanding intellectual and creative ability, the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular classroom." The term includes a person who has an IQ of 130 or higher or when multiple criteria as set forth in the Pennsylvania Code indicate gifted ability. A student cannot be identified as gifted using only an IQ score. The student must also demonstrate a need for gifted programming.

When Does a Student Qualify to Receive Services for the Mentally Gifted?

A student may be eligible if he or she has:

- a year or more above grade achievement level for the normal age group in one or more subjects as measured by a nationally normed and validated achievement test.
- an observed or measured rate of acquisition/ retention of new academic content or skills.
- 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.
- early and measured use of high-level thinking skills, academic creativity, leadership skills, intense academic interest areas, communication skills, foreign language aptitude or technology expertise.
- documented, observed, validated or assessed evidence that intervening factors are masking gifted ability.

Eligibility for gifted services is determined using multiple criteria. Parents/guardians can request the school conduct an evaluation once per school term. An initial evaluation and copy of the evaluation report is to be presented to parents/guardians within 60 calendar days (excluding the summer months) after parents/guardians grant written consent for evaluation. At their own expense, parents/guardians may obtain independent evaluations, the findings of which the school district is required to consider.

Who Participates in Meetings to Develop Plans for the Gifted Student?

The following are to be included: one or both of the student's parents/guardians; the student, if the parents/guardians want the student to participate; a representative of the school district who acts as the chair of the meeting and who is authorized to commit district resources to aid the student; one or more of the student's current teachers; and others selected at the discretion of the parents/guardians or the district.

What Should be Included in the Plan and What if Parents/Guardians Disagree with the Plan?

A Gifted Individualized Education Plan (GIEP) should include the following: present levels of education performance; annual goals; short-term learning outcomes; specially designed instruction such as adaptations and modifications to the general curriculum or specialized curriculum; support services such as career guidance, counseling and technology education; and dates when services will begin and duration of those services.

The emphasis in special programs for gifted students is geared to stimulate the cognitive processes of creativity, originality, problem solving and complexity.

A GIEP must provide the framework for activities to accelerate, enrich and individualize instruction to match the student's achievement, abilities and interests. Based on academic talents, a school may group gifted students across grades and develop gifted education consortiums or cooperative agreements with other schools.

A GIEP meeting is to be scheduled with parents/ guardians and, if services for a gifted student are warranted, a Notice of Recommended Assignment (NORA) is issued to parents/guardians following the meeting. Parents have 10 calendar days to respond and may notify the district of a decision to revoke the recommended assignment.

Parents/guardians who disagree with the school district's proposal may request mediation with an impartial mediator or an impartial due process hearing. At their own expense, parents/guardians may be represented by legal counsel and accompanied and advised by individuals with special knowledge and training in programming for gifted students.

How Often are GIEPs Revised?

A GIEP meeting must be held at least once per year. In addition, a GIEP meeting must be held when a parent/guardianor a teacher requests a meeting to develop, review or revise the student's plan.

What if a Student is Intellectually Gifted and has a Disability?

A student who demonstrates characteristics of giftedness and also has a disability requiring special education is considered "dually exceptional" or "twice exceptional." Such a student must be provided with a single (Individualized Education Plan) IEP that includes a combination of gifted and special education services.

Where can I Get More Information?

ConsultLine
800-879-2301
A service of the Office for Dispute Resolution and the Pennsylvania Training and Technical Assistance Network that provides parents/guardians with information about special education, gifted education and Section 504 of the Rehabilitation Act of 1973 (a national law protecting qualified students from discrimination based on disability.

Pennsylvania Association for Gifted Education
www.giftedpage.org
888-736-6443
A nonprofit advocacy organization dedicated to helping gifted learners, parents and educators.