

## PDE Compliance Monitoring

IU8 Gifted Networking Event  
January 26, 2012

Amy Miller, Central Elementary Principal, Director of Special Education  
Linda Cubbison, School Psychologist

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## Introductions

- About us, our roles, and our experiences
  - Amy Miller
  - Linda Cubbison
- Tell us about you, your role, and your experience with gifted and special education.

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Gifted Education Compliance Monitoring

Special Education Compliance Monitoring

Occur Simultaneously

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### Major Differences in the Gifted and Special Education Monitoring Cycles

<ul style="list-style-type: none"> <li>• Gifted Education               <ul style="list-style-type: none"> <li>◦ Shorter (2 days)</li> <li>◦ GFSA                   <ul style="list-style-type: none"> <li>• 7 Reports</li> </ul> </li> <li>◦ Admin Interview                   <ul style="list-style-type: none"> <li>• No presentation required</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Special Education               <ul style="list-style-type: none"> <li>◦ Longer (3 days)</li> <li>◦ FSA                   <ul style="list-style-type: none"> <li>• 23 reports</li> </ul> </li> <li>◦ Admin Interview                   <ul style="list-style-type: none"> <li>• presentation <i>required</i></li> </ul> </li> </ul> </li> </ul>
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### GIFTED EDUCATION MONITORING

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### B-D-A Before-During-After Gifted Education Compliance Monitoring Requirements for School Districts

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### Before

- Attend training at PDE (handout G1)
- Complete Gifted FSA (handout G2)
- Conduct File Review (handout G3)
- Schedule Admin Interview
- Inform Parents of Interviews (handout G4)
- Arrange a room and meals for monitors

*gifted monitoring will last 2 days*

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### During (on-site monitoring)

- Meet with Adviser, one day prior, to review GFSA
- Admin Interview
- Student/Parent/Teacher Interviews (handout G5)
- Exit Interview

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### After

- Monitoring Report Issued after BSE Review
- Meet with Adviser to develop Corrective Action Plan
- Corrective Action must be carried out within one calendar year
- When all items have been corrected, John Tommasini will issue a letter to the district

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## CRSD Gifted Corrective Action

- What Do We Do Well?
  - Only District to receive 100% positive parent feedback
  - Integrating gifted ed into the regular class at *all levels*
  - Transition services to gifted students
  - Frequent use of subject and grade level acceleration to meet specific needs of gifted students
  - Evaluation procedures, timelines, and recommendations
- What Do We Need to Improve?
  - Strategic Plan does not directly address procedures for the education of gifted students
  - Annual training *specific* to addressing the special knowledge, skills, and abilities to serve the unique needs of gifted students.
  - Description of other options considered on NORA—regular education without gifted support is **NOT** an option
  - Educational Placement, specific to amount and *type*

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## Other Resources

- State and Federal Court Decisions
  - (handout G6)

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## QUESTIONS?

- Contact Info:
  - Amy Miller, Central Elementary Principal, Director of Special Education
    - amiller@crsd.k12.pa.us
    - 814-839-4195 Ext. 4441
  - Linda Cubbison, School Psychologist
    - lcubbison@crsd.k12.pa.us
    - 814-839-4195 Ext. 2008

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## **COMPLIANCE MONITORING for GIFTED EDUCATION**

By  
Dr. Shirley Curl  
Gifted Education Adviser  
Bureau of Special Education

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### **CMCI**

- **WHY?**
  - State requirement
- **WHO?**
  - Bureau of Special Education
- **HOW MANY?**
  - 10 per year

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### **CMCI Activities**

- Pre-On-site activities with Dr. Curl related to completion of the GFSA
- On-site Visit by the BSE Special Education Adviser and peer monitors
- Issuance of Monitoring Report to the Superintendent
- Corrective Action Verification Plan (CAVP)

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### ***Components of CMCI***

- Monitoring Document
- Gifted Facilitated Self-Assessment (GFSA)
- File Review

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### ***Components of CMCI (Continued)***

- Verification onsite of GFSA results
- Teacher of the Gifted Interview
- Regular education teacher Interview

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### ***Components of CMCI (continued)***

- Student Interview
- Parent Interview
- Classroom Observations (optional)

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## Monitoring Document

- Gifted Facilitated Self-Assessment
- 7 Reports of
  - district policies,
  - procedures, and
  - a district review of a random sample of student records

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## Monitoring Data

- SD gathers required data for on-site visit to verify what is in the GFSA
- Most SDs utilize a crate and separate by the 7 GFSA categories
- Required documentation and/or student folders are placed in the crate for examination by onsite monitors

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## Strategic Plans and Policy

- In your crate, include the most recent strategic plan
- This plan must include :
- 1) the process for identifying students who are gifted and in need of Specially Designed Instruction (SDI)
  - 2) the gifted programs offered by the school district

process must  
be included in  
strat. plan - need  
to revise plan?

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## Personnel

- Provide a list of staff trainings that occurred during the past 24 months
- In your file provide evidence of staff trainings/ consultations and the topics (i.e., brochures, staff training flyers, agendas)
- Provide evidence that supports the information in your GFSA

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## Special Education Dual Exceptionalities

- Provide files for students who have a disability and are also eligible for gifted education

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## Screening and Evaluation Process

- Provide a copy of the Annual Public Notice
- Provide a copy of the Screening and Evaluation Process

→ same as special ed?

→ bd. policy regarding caseload & class size.  
65 total students -  
20 @ a time.

### **Gifted Education Placement**

- Include policy and procedure related to gifted education placement
- Provide the board policy related to class size and caseloads for gifted students

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### **Gifted Education Procedural Safeguards**

- Make available the policy and procedures related to gifted education procedural safeguards
- Review the gifted education procedural safeguard policy to comply with the requirements of Chapter 16

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### **Student Record Review**

- Permission To Evaluate
- Gifted Written Report (GWR)
- Invitation to participate in the Gifted Individualized Plan (GIEP) Team Meeting
- Gifted Individualized Education Plan (GIEP)
- Notice of Recommended Assignment (NORA)

what they will look @.

→ not a regimnt to issue NORA each time, but a good idea

### **FSA File Review**

- Using the data from the file reviews, analyze the information
- Identify where the problem areas are in each of the forms that were reviewed

use p. 1 of "gifted  
file review" tab  
to do review.

good idea to have  
the gifted teacher  
assess files honestly.

may want to have psycho  
review GWR

### **GE-FSA**

- Submit a copy to Dr. Curl
- Print out a copy for yourself

### **Superintendent's Letter**

- The superintendent received a letter with the scheduled dates for the monitoring
- The Superintendent should notify the administrative staff and the School Board Directors of these specific dates.

### **Prior to Onsite Visit**

- Reserve a room for the monitors to work that is accessible to copiers and telephones
- Have your staff go through their folders and put in order with PTE, ER/RR, Invitations, GIE NORA for the past two years
- Remove extraneous documents from the folders

→ need copiers  
& telephone(s)

→ need to put  
in order

### **GE-FSA**

- Based on the December 1, 2009 Child Count
- Dr. Curl will select 14 students for whom you will review files and records using the file review documents
- When using old forms, some information may not apply—Use NA

### **Sequence of CMCI Activities**

- Entrance Conference
- Student File Review
- Teacher Interviews Student Interviews, and Parent Interviews
- Classroom Observation
- Exit Conference

### **Prior to Visit**

- Make copies of students' schedules
- Make copies of teachers' schedules
- Provide directions to schools
- Prepare demographic information for peer monitors to call parents (work, home, and cell phone)

9:00 entrance  
mtg.

### **Prior to Visit (continued)**

- Notify the parents and the teachers that they will be interviewed
- Organize the crate with the back-up information from the FSA that was completed prior to the visit

### **Onsite Visit**

- Have administrators and other personnel involved with gifted available for an entrance meeting
- These people will have an opportunity to introduce themselves and talk about gifted education
- At the end of the CMCI process, Dr. Curl will conduct an exit conference

### ***After the Monitoring***

- Monitoring report and Corrective Action Verification Plan
- Monitoring report issued to the school district following completion of BSE review
- Dr. Curl will meet with the district personnel to develop the corrective action plan

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### ***Post Monitoring Activities***

- The SD has one year to complete the corrective action
- Dr. Curl returns to the school district to review policies, procedures, and files to verify that the corrective action has been completed
- When all items have been corrected, John Tommasini sends a closure letter to the SD

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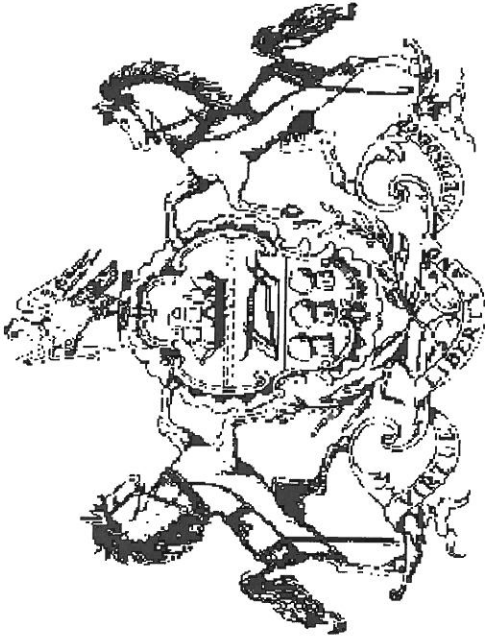
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**Chestnut Ridge SCHOOL DISTRICT**  
**GIFTED FACILITATED SELF ASSESSMENT (FSA)**  
**Gifted Compliance Monitoring**  
**Pennsylvania Department of Education**  
 Bureau of Special Education

Date(s) of Onsite Review	November 16, 17
LEA Contact Person's Name Job Title Address Telephone FAX Email Address	Amy Miller Director of Special Education 3281 Valley Road, Fishertown, PA 15539(814) 839-4194 Ext. 2009 (814) 839-2088 amiller@crsd.k12.pa.us
BSE Contact Person's Name Job Title Address Telephone FAX Email Address	Dr. Shirley Curl Special Education Adviser PA Dept of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333 (717) 786-6361 (717) 783-6139 scurl@state.pa.us

# Directions for the Gifted Education Facilitated Self Assessment (GE-FSA)

Gifted Compliance Monitoring  
Pennsylvania Department of Education  
Bureau of Special Education (BSE) in collaboration with the Bureau of Teaching and Learning Support (BTLS)

Enclosed is the Gifted Education Facilitated Self Assessment (GE-FSA). The GE-FSA procedure, presented in the text for each topical area, shows what the Local Education Agencies (LEA) needs to do to complete the GE-FSA. Information that the state is responsible for providing to help the LEA complete the GE-FSA is enclosed. In addition, the FSA details the procedures that will be followed by the BSE in completing the GE-FSA review.

The GE-FSA must be completed no later than 30 days prior to the onsite visit. **NOTE: Those items that require the LEA to provide student files are to be available onsite at the LEA.**

## GE-FSA Procedure for LEA:

Each LEA will establish a team to review and complete the required GE-FSA. Procedure for completion of the GE-FSA:

1. Review the required standard and regulatory basis for each topic.
2. Follow the procedure titled LEA Procedure for each topic, gathering the required data.
3. Conduct the team discussion review using the team discussion points provided. (It is not necessary to provide a written response for each specific question.)
4. Complete the written Data Collection Summary in the format provided.
5. Where specified in the GE-FSA, please forward policies, procedures, and reports to Dr. Shirley Curl at the BSE address or make it available on-site for verification as directed by the monitoring chairperson.

The state will review the GE-FSA in preparation for the onsite review.

## DO NOT FORWARD ANY CONFIDENTIAL STUDENT EDUCATIONAL FILES.

Should there be any questions or concerns regarding the completion of the GE-FSA, please direct them to your BSE Contact Person.

Enclosures: Gifted Education Facilitated Self Assessment

Data regarding complaints, mediations, due process hearing, and appeals

Index of FSA Topics		
Page	Topic #	Topic
	1	Strategic Plans and Policy
	2	Personnel
	3	Special Education/Dual exceptionalities
	4	Screening and Evaluation Process
	5	Gifted Education Placement
	6	Procedural Safeguards
	7	Student Record Review

# 1. Strategic Plans and Policy

**STANDARD – LEA has a Strategic Plan that includes procedures for the education of all gifted students enrolled in the school district.**

**REGULATORY BASE:**

§ 16.4. *Strategic plans.*

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

STRATEGIC PLANS AND POLICY		BUREAU OF SPECIAL EDUCATION NOTES
1.	STANDARDS TO BE MET PROCEDURES TO FOLLOW	
a.	LEA PROCEDURE  LEA will review its Strategic Plans and Policy and discuss the Team Discussion Points questions on the following page and complete the Data Collection Summary.  The LEA will include in the district's strategic plan, the procedures for identifying all gifted students residing in the school district and providing gifted education services to all students enrolled in the district who meet the eligibility requirements.  The LEA will send its strategic plans and policy for gifted education to BSE or make it available for on-site verification as directed by the monitoring chairperson.  The LEA 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 §16.4 (c).	

**b. PDE PROCEDURE**

The PDE Chairperson will interview the LEA representative and review the Strategic Plan and Policy. The PDE Chairperson will then answer the following questions regarding the district's Strategic Plan and Policy.

- Does the school district's strategic plan include procedures for the education of all gifted students enrolled in the school district, as developed under Chapter 4 (relating to academic standards and assessments)?
- Does the process meet the regulatory requirements outlined in Section 16.4 of Chapter 16?
- Does the school district have a process for identifying children who are gifted and in need of specially designed instruction?
- Does the strategic plan ensure the support and implementation of plans developed under §16.4 (b)?
- Does the school district describe the gifted special education programs it its gifted education plan?
- Does the school district have a procedure for tracking reports of students, personnel, and program elements including the costs of the elements which are relevant to the delivery of education?
- Does the school district have a process for providing the information in §16.4 (b) to the PDE when requested?

**STRATEGIC PLANS AND POLICY**

**DATA COLLECTION WORKSHEET**

**LEA Team Discussion Points**

The team discussion points have been developed to begin and sustain discussion among members of the team. These discussion points are to encourage discussion on indicators that reflect effective programs. These points should be reflected in the data collection summary. It is not necessary to provide a written response for each specific question.

- Does the process meet the regulatory requirements outlined in Section 16.4 of Chapter 16?
- Does the school district have data available on gifted students, program personnel and program elements (i.e. procedures for screening/identification placement; evidence of in-service training; differentiated instruction; program evaluation)?

**LEA Data Collection Summary  
(What Do We Know?)**

Following completion of LEA procedure and team discussion, the LEA will use the data collected to provide a summary regarding this topic.

- The LEA's strategic plan clearly indicates the LEA's commitment to providing instructional delivery and programs relative to individual student strengths (and weaknesses).
- The LEA also narrates its shared value to "challenge students to achieve their highest level possible by attending to their intellectual and developmental needs".
- The LEA directly addresses its provision of providing access to professional development opportunities specific to "gifted education and the integration of enrichment activities into the regular education curricula".

1.	<b>TO BE COMPLETED BY BSE PERSONNEL:</b> <b>CONCLUSION</b> Yes, In Compliance No, Not in Compliance	
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Student Name \_\_\_\_\_

ID # \_\_\_\_\_ Age of Student on GIEP \_\_\_\_\_

**PERMISSION TO EVALUATE (PTE) - CONSENT FORM**

- |   | YES       | NO    | NA    |
|---|-----------|-------|-------|
| 8. PTE-Consent Form is present in the student file<br><i>(If the answer to question 8 is No, indicate NA for questions 9-13)</i><br>Date LEA sent PTE-Consent Form _____<br>Date of receipt of Consent Form _____<br>Date of Notice of Intent to Re-Evaluate, if applicable _____ | 8. _____  | _____ | _____ |
| The following information is present:   |           |       |       |
| 9. Demographic data   | 9. _____  | _____ | _____ |
| 10. Reason(s) for referral for evaluation   | 10. _____ | _____ | _____ |
| 11. Proposed types of assessments and procedures<br>Date(s) of proposed evaluation(s) _____   | 11. _____ | _____ | _____ |
| 12. Contact person's name and contact information   | 12. _____ | _____ | _____ |
| 13. Parent signature  | 13. _____ | _____ | _____ |

**GIFTED WRITTEN REPORT (GWR)**

- |   | YES       | NO    | NA    |
|---|-----------|-------|-------|
| 14. GWR is present in the student file<br><i>(If the answer to question 14 is No, indicate NA for questions 15-22)</i><br>Date of GWR _____ | 14. _____ | _____ | _____ |
| 15. GWR was completed within timelines<br><i>(60 calendar days from the date of LEA receipt of signed PTE, excluding summer break)</i>      | 15. _____ | _____ | _____ |
| 16. A copy of the GWR was disseminated to parent(s) within 5 calendar days after completion   | 16. _____ | _____ | _____ |
| The following information is present:   |           |       |       |
| 17. Demographic data  | 17. _____ | _____ | _____ |
| 18. Date report was provided to parent(s) _____   | 18. _____ | _____ | _____ |
| 19. Reason(s) for referral are present  | 19. _____ | _____ | _____ |
| 20. Reason(s) for referral reflect the reason(s) listed on the PTE-Consent Form   | 20. _____ | _____ | _____ |
| 21. Evaluations and information provided by the parents of the student (or documentation of LEA's attempts to obtain parent input)          | 21. _____ | _____ | _____ |
| 22. Teacher observations and recommendation   | 22. _____ | _____ | _____ |

**INVITATION TO PARTICIPATE IN THE IEP TEAM MEETING OR OTHER MEETING**

	YES	NO	NA
23. Invitation is present in the student file (If the answer to question 23 is No, indicate NA for questions 24-29) Date Sent _____	23. _____	_____	_____
24. Invitation to Participate in the GIEP Meeting was issued prior to the meeting or documentation that parent signed waiver to move directly to GIEP meeting	24. _____	_____	_____
The following information is present:			
25. Demographic data	25. _____	_____	_____
26. Purpose(s) of the meeting	26. _____	_____	_____
27. Invited GIEP team members	27. _____	_____	_____
28. Date/time/location of meeting	28. _____	_____	_____
29. Parent response, or documentation of parent attendance at the meeting, or documentation of multiple efforts to encourage participation	29. _____	_____	_____

**GIFTED INDIVIDUALIZED EDUCATION PLAN (GIEP)****Documentation of GIEP Team Participation**

	YES	NO	NA
30. Parent(s) (or documented efforts to have them attend)	30. _____	_____	_____
31. Student (If parent(s) choose to have student participate)	31. _____	_____	_____
32. One or more of the student's current regular education teachers	32. _____	_____	_____
33. Teacher of Gifted Students	33. _____	_____	_____
34. Local Education Agency Representative	34. _____	_____	_____
35. Other individuals at the discretion of either the parent(s) or LEA	35. _____	_____	_____
36. GIEP is present in the student file Date of GIEP Team Meeting _____	36. _____	_____	_____
37. GIEP was completed within timelines (No more than 30 calendar days from GWR)	37. _____	_____	_____
The following information is present:			
38. Demographic data	38. _____	_____	_____
39. GIEP implementation date	39. _____	_____	_____
40. Anticipated duration of services and programs	40. _____	_____	_____

**Present Levels of Education Performance (PLEPS)**

The following information is present:

	YES	NO	NA
41. Student's present levels of academic achievement	41. _____	_____	_____
42. Needs related to the student's present levels of academic achievement.	42. _____	_____	_____

**Annual Goals and Objectives (including academic and functional goals) (GIEP)**

The following information is present:

	YES	NO	NA
43. Annual Goals are present and relate to the needs stated in the GWR.	43. _____	_____	_____
44. Short term learning outcomes which are responsive to learning needs identified in the GWR	44. _____	_____	_____
45. Assessment procedures and timelines	45. _____	_____	_____
46. Periodic reports of student progress and when they will be provided to parents.	46. _____	_____	_____
47. Support services based upon the GWR are present and include anticipated duration and frequency	47. _____	_____	_____

# NOTICE OF RECOMMENDED ASSIGNMENT (NORA)

	YES	NO	NA
48. NORA is present in the student file. <i>(If the answer to question 48 is No, indicate NA for questions 49-59)</i>	48. —	—	—
Date LEA sent current NORA _____			
Date LEA received signed NORA _____			
The following information is present:			
49. Demographic data	49. —	—	—
50. Type of action taken	50. —	—	—
51. A description of the action proposed or refused by the LEA	51. —	—	—
52. An explanation of why the LEA proposed or refused to take the action	52. —	—	—
53. A description of the other options the GIEP team considered and the reason why those options were rejected	53. —	—	—
54. Description of each evaluation procedure, assessment, record or report used as the basis for proposed action or action refused	54. —	—	—
55. Description of other factor(s) relevant to LEA's proposal or refusal	55. —	—	—
56. Educational placement recommended (including amount and type)	56. —	—	—
57. Signature of school district superintendent	57. —	—	—
58. Copy of Notice of Parental Rights was given to parents during the school year	58. —	—	—
59. NORA reflects the educational placement indicated on the student's GIEP	59. —	—	—

## *Chestnut Ridge School District*

3281 VALLEY ROAD  
FISHERTOWN, PENNSYLVANIA 15539  
(814) 839-4195

AMY D MILLER  
Director of Special Education

November 3, 2010

Dear Parents:

On November 16<sup>th</sup> and 17<sup>th</sup> our school district will be undergoing a Gifted Compliance Monitoring Audit by the PA Department of Education. This audit is routine and designed to provide our district with commendations and recommendations for continuous improvement to our gifted program.

Your child's name was one of 14 selected for a file review and possible parent interview. The purpose of this letter is to inform you that you may be contacted by one of the compliance monitors for an interview about your child's gifted programming. I have attached a copy of the interview questions for your review. You DO NOT need to complete the enclosed interview; it is simply to inform you of the questions you may be asked. You will be contacted **by phone**. Please be honest in your responses as your feedback will allow our district to make continuous improvement.

It is my hope that all parents will have the opportunity to provide feedback. In order to ensure this, I am asking that you please fill out and send back the enclosed blue paper, stating the best time to contact you by phone. Thank you in advance for your time and input.

Educationally,

Amy D. Miller  
Special Education Supervisor  
Chestnut Ridge School District  
814.839.4195 Ext. 2009  
[amiller@crsd.k12.pa.us](mailto:amiller@crsd.k12.pa.us)

Enclosures: 2

Chestnut Ridge School District is an equal opportunity educational institution and will not discriminate on the basis of race, color, religion, national origin, age, sex, disability and/or possession of a GED as opposed to a high school education in its activities, programs, or employment practices as required by Title VI and Title VII of the Civil Rights Act, Pennsylvania Human Relations Act, Title IX of the Education Amendments Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. For information regarding civil rights or grievance procedures contact the appropriate building principal or the Civil Rights Coordinator for Title IX, Chestnut Ridge School District, 814-839-4195. For information regarding services, activities, and facilities that are accessible to and usable by disabled persons, contact the Director of Special Education, Chestnut Ridge School District, 814-839-4195.

## INTERVIEW FOR GIFTED STUDENT

LEA \_\_\_\_\_  
Monitoring Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_  
Student ID Number: \_\_\_\_\_  
Student's Teacher: \_\_\_\_\_

Building Level: \_\_\_\_\_ Elem School \_\_\_\_\_ JR High/Middle \_\_\_\_\_ High School \_\_\_\_\_ Other \_\_\_\_\_  
Student's program: \_\_\_\_\_ (optional) Student's Age \_\_\_\_\_

Questions	Yes	No	Sometimes
93. Does the gifted program provide you with topics and opportunities that extend the curricula of the regular classroom?			
94. Did you participate in your gifted individualized education plan (GIEP) meeting?			
95. Do you participate in the development and evaluation of your learning experiences?			
96. Do you believe there is sufficient communication between you and your gifted education teacher?			
97. Are you provided with opportunities to generate ideas and think creatively?			
98. Are you provided with opportunities for independent study?			
99. Have you had the opportunity to select projects and topics of interest to you?			

Please add any additional comments about your education and gifted program.

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# INTERVIEW FOR PARENT OF GIFTED STUDENT

LEA (District): \_\_\_\_\_ Name of Student: \_\_\_\_\_  
 Monitoring Date: \_\_\_\_\_ Student ID Number: \_\_\_\_\_  
 Student's Teacher: \_\_\_\_\_  
 Building Level: \_\_\_\_\_ Elem School \_\_\_\_\_ JR High/Middle \_\_\_\_\_ High School \_\_\_\_\_ Other \_\_\_\_\_  
 Student's program: \_\_\_\_\_ (optional) Student's Age \_\_\_\_\_  
 Name of Person Interviewed: \_\_\_\_\_ Relationship to Student: \_\_\_\_\_

Questions	Yes	No	Sometimes
80. Were you asked to provide information for your child's evaluation/reevaluation?			
81. Did you have an opportunity to participate in developing your child's gifted education plan?			
82. Was the Gifted Individualized Education Plan (GIEP) developed at the GIEP meeting?			
83. Were the regular education teacher(s), teacher of the gifted and the district representative present at the GIEP meeting?			
84. Did the GIEP team consider the recommendations that you and others made in your child's most recent evaluation?			
85. Did the GIEP team accept or reject the evaluation team's recommendations for gifted education for appropriate educational reasons (i.e., not due to lack of staff, lack of funds, lack of availability of services?)			
86. Are you aware of and understand gifted regulations, parental rights, procedural safeguards, timelines, and district policy on gifted education?			
87. Do you participate in evaluating the learning experiences of your child through the GMDE & GIEP Processes?			
88. Do you believe that the expectations for your child in the Gifted program are appropriate?			
89. Do you feel that the assessment methods are a good reflection of your child's progress?			
90. Do you believe that there is sufficient communication between you and school district personnel?			
91. Is your child receiving the supports and services agreed upon at the GIEP meeting?			
92. Were Present Levels of Educational Performance (PLEPs) determined for each subject area prior to the GIEP meeting?			

Please add any additional comments about your child's program.

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# INTERVIEW FOR TEACHER OF GIFTED STUDENTS

LEA (school district): \_\_\_\_\_

Monitoring Date: \_\_\_\_\_

Building Level: \_\_\_\_\_ Elem School \_\_\_\_\_ JR High/Middle \_\_\_\_\_ High School  
 \_\_\_\_\_ Other

Student's Name: \_\_\_\_\_

Student's program: \_\_\_\_\_ (optional) Student's Age \_\_\_\_\_

**Read to interviewee: Your answers to the questions are kept confidential.**

Questions	Yes	No
60. Are you knowledgeable about Chapter 16 and your role in providing gifted education?		
61. Does the school district provide opportunity for parents to serve as a resource for gifted education services?		
62. Are you familiar with the content of the student's GIEP including annual goals, student learning outcomes, and support services?		
63. Do you design and implement differentiated curriculum and instruction to meet the needs of gifted students?		
64. Has the school district provided opportunities for training to adequately prepare you for the challenges of teaching gifted children?		
65. Do you implement activities that extend above and beyond the general education curricula?		
66. Was the placement decision made by the GIEP team after the annual goals and specially designed instruction and support services were developed?		
67. If the student is not making progress in the gifted program, has the student been reevaluated or has the GIEP been reviewed? (Answer only if applicable.)		
68. Is the student receiving the services and supports agreed upon in the GIEP?		
69. Does the GIEP meet the student's needs?		
70. Were Present Levels of Educational Performance (PLEPS) determined for each subject area prior to the GIEP meeting?		

What do you do if a student is not making progress?

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Please add any additional comments about your program.

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INTERVIEW FOR REGULAR EDUCATION TEACHER(S)  
Gifted Education Monitoring

LEA (school district): \_\_\_\_\_

Monitoring Date: \_\_\_\_\_

Building Level: \_\_\_\_\_ Elem School \_\_\_\_\_ JR High/Middle \_\_\_\_\_ High School  
\_\_\_\_\_ Other

Student's Name: \_\_\_\_\_

Student's program: \_\_\_\_\_ (optional) Student's Age \_\_\_\_\_

**Read to interviewee: Your answers to the questions are kept confidential.**

Questions	Yes	No
71. Are you knowledgeable about Chapter 16, including the GMDE/GWR and the GIEP process and the teacher's role in providing gifted education?		
72. Are you familiar with the content of the student's GIEP including annual goals, student learning outcomes, and support services?		
73. Do you design and implement differentiated curriculum and instruction to meet the needs of gifted students? Please give an example.		
74. Has the school district provided opportunities for in-service and training to adequately prepare you for the challenges of teaching gifted children?		
75. Was the placement decision made by the GIEP team after the annual goals, specially designed instruction, and support services were developed?		
76. Is the student making progress in meeting the annual goals and learning outcomes of the GIEP?		
77. Is the student receiving the services and supports agreed upon in the GIEP?		
78. Does GIEP meet the student's needs?		
79. Were Present Levels of Educational Performance (PLEPS) determined for each subject area prior to the GIEP meeting?		

What do you do if a student is not making progress?

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Please add any additional comments about your program.

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Number	Parties	Summary of Information
<b>Federal Court Decisions</b>		
458 U.S. 176 1982	Board of Ed/Rowley	* IEP need not maximize potential but must provide "meaningful" access to education with "some educational benefit"
458 U.S. 176 1982	Hendick Hudson SD/Rowley	* A court is required to consider the potential of the student
593 F Supp 54 1984	Doe/Commonwealth	* requirement to provide FAPE is met by providing personalized instruction and support services so child benefits educationally from instruction * "meaningful" access meant "some educational benefit"
638 F Supp. 929 1986	Roe/Commonwealth	* The use of a standardized IQ test to exclude a student from gifted education can reasonably be used although it might not be best practice * Minimum cut off score for gifted eligibility did not violate due process clauses of 14 <sup>th</sup> amendment.
42 F.3 <sup>d</sup> 149 8/25/99	Bernardville BOD/J.H.	Education of Handicapped Act (EHA) applies only to handicapped. A minimum cutoff score for Gifted Eligibility does not violate due process clauses of the 14 <sup>th</sup> amendment, nor violate IDEA * 2 year limit on reimbursement – statutory case laws determines time limits for requesting due process * District cannot maintain that there is not a problem with an IEP that remains unmodified year after year despite lack of academic progress
81 F.3d 389 1996	M.C./Central Regional SD	Standard for awarding comp. ed. = the period of deprivation (Carlisle/Scott)
172F.3d 238 1999	Ridgewood BOE/NE	Untapped potential is basis for change in placement "Minimal" threshold learning benefit is not "meaningful." Consideration must be given to intellectual potential.
<b>PA Court Decisions</b>		
399A.2d 167 3/26/79	C. York/PDE	* Gifted Students included within the definition of exceptional children in section 13-1371 School Code ...as in need of special education. * No reimbursement for school district for gifted programming. A district's duty to provide a gifted program is not contingent upon state reimbursement for the program cost
442A.2d 674	Zimmerman/O'Bannon	Non-public school transportation for gifted services

447A.2d 669 1982	LA/Board of Ed	<ul style="list-style-type: none"> <li>* Gifted Program in PA unconstitutional for FAPE</li> <li>* Education is not a fundamental right in PA, it is a statutory right.</li> <li>* If not identified, equal protection does not apply. Denial to gifted programs not a violation of statutory rights.</li> </ul>
467A.2d 1127 1983	LA/Board of Ed	PA Constitution Does not guarantee each student a particular level or quality of education. It requires legislature to provide an efficient system of public schools. Education is statutory right, no violation of equal rights in denial of gifted program to plaintiffs not alleged to be gifted
503A.2d 1090 1/31/86	Centennial/PDE	District must provide for enrichment class & classroom modifications in IEP beyond the district's enrichment program
503A.2d 1094	Centennial/PA Court	When district & parent don't agree, Secretary of Education determines plan
503A.2d 1095 2002	Mifflin Co. SD/Stewart	Instruction beyond enrichment program required
512A.2d 790 7/18/86	Scott/Commonwealth	<ul style="list-style-type: none"> <li>* Math not included in the GIEP was appropriate in this case</li> <li>* Previous math acceleration had been at detriment of other courses, basic math concepts and his interest/enthusiasm</li> <li>* District is not without limits, offerings beyond the district course offerings not required. A district is not Princeton or Harvard and need not go beyond the district's legally required curriculum</li> </ul>
516A.2d 875 10/24/86	Woodland Hills/PDE	Dual enrollment provides that districts must provide gifted services and midday transport for non-public school gifted offerings; citing 1374 School Code
539A.2d 785 3/22/88	Centennial/PDE	<ul style="list-style-type: none"> <li>* Individualized Program must go beyond the enrichment program</li> <li>* Acceleration in math and reading included</li> <li>* Established IEP with Present Levels, short term objectives, criteria for measurement</li> <li>* Do not need to maximize abilities, but offer appropriate learning</li> <li>* A district is not required to be Harvard or Princeton referenced</li> <li>* Districts not required to provide services outside or beyond the existing curricula</li> </ul>
559 A.2d 118 1989	Gateway SD/Commonwealth	School District had waived the issue of inclusion of college courses in IEP by failing to raise timely exceptions to the HO decision
601A.2d 860 1/3/92	Anderson/Eastern Area	<ul style="list-style-type: none"> <li>* Gifted student has right to gifted pull-out rather than "enriched" regular ed classes</li> <li>* Lawyers fees not reimbursed for gifted; IDEA does not apply</li> <li>* Parents not entitled to reimbursement for private evaluations at district expense</li> </ul>

603A.2d 701 2/10/92	Conrad Weiser/PDE	Student may be gifted and have severe discrepancy between intellectual ability and level of achievement. Services for remediation may apply.
615A.2d 910 1992	Big Beaver Falls/Jackson	Compensatory education is appropriate relief
651A.2d 616 12/7/94	Ellis/Chester Upland SD	Gifted students are not entitled to reimbursement for tuition and transportation to private school placements
697A.2d 1056 7/15/97	New Brighton/Matthew Z	<ul style="list-style-type: none"> <li>School District not obligated to pay for IEP beyond the scope of the district curriculum (tuition for college, private school)</li> <li>District may provide release time to attend college</li> </ul>
729A.2d 198 5/7/99	Brownsville/Student X	<ul style="list-style-type: none"> <li>College reimbursement expenses are beyond curricular offerings</li> <li>Due process cannot require training/in-service of personnel, beyond scope of authority</li> <li>Compensatory education is an appropriate remedy for gifted students</li> </ul>
785A.2d 1069 10/30/01	Saucon Valley/Jason O	<ul style="list-style-type: none"> <li>District failed to provide accelerated &amp; enriched FAPE learning environment</li> <li>Due process does not have authority to order training of district employees</li> <li>Panel may not change the district's graduation requirement</li> </ul>
805A.2d 29 2002	Montour SD/S.T.	One year statute of limitations on comp. ed; maximum of two years if mitigating circumstances delay request for due process; mitigating circumstances are not defined
815A.2d 666 1/17/03	Carlynton SD/D.S.	<ul style="list-style-type: none"> <li>One year statute of limitations in compensatory education</li> <li>Provide for study and organization skills</li> </ul>
847A.2d 195 4/15/04	C. Dauphin/Infinity Charter	<ul style="list-style-type: none"> <li>Charter school may not discriminate admissions based on intellectual ability but may limit admissions to areas of concentration such as math</li> <li>Charter school fulfilled sustainable support and sound financial plan</li> </ul>
872A.2d 1285 4/29/05	York Suburban/J.P.	<ul style="list-style-type: none"> <li>Partial grade skipping is appropriate in GIEP; SD cannot have policy to deny</li> <li>Appropriate grade level reading materials should be provided in regular class work for accelerated readers</li> </ul>
517 Pa 540, 552 PA Supreme Ct 1988	Centennial/PDE	<ul style="list-style-type: none"> <li>A school district is not required to offer services outside of its curriculum as compensatory education.</li> <li>"A school district is not required to become a Harvard or Princeton"</li> <li>An enrichment program does not eliminate need to provide gifted individualized program</li> </ul>
906A.2d 642	B.C./Penn Manor	<ul style="list-style-type: none"> <li>Gifted compensatory education awards must be limited to the education</li> </ul>

2006		<ul style="list-style-type: none"> <li>• available within the curriculum of the school district</li> <li>• Set standard for awarding compensatory education for lack of FAPE: the compensated is reasonably calculated to bring the student to the position possible if FAPE was provided. This award may be more or less than the hour-for-hour standard of classroom time.</li> <li>• Statute of limitations for gifted claims is one year; 2 years with mitigating circumstances which are not defined</li> </ul>
928A.2d 453 7/12/07	EN/M School District	<ul style="list-style-type: none"> <li>• Determination that student did not meet criteria for eligibility for gifted services upheld because the student had been accelerated one year and the classroom now met the students needs. Additional specially designed instruction was not indicated and there were social/emotional issues.</li> <li>• Burden of Proof lies with the party making the motion for the case.</li> </ul>
976 A.2d 1284 7/24/09	Bethlehem/Zhou	<ul style="list-style-type: none"> <li>• ODR does not have power to enforce policy manual since the manual is not recognized as law nor is it regulation.</li> <li>• ODR does not have authority to order a school district to translate a hearing procedure into Mandarin Chinese.</li> <li>• ODR may provide transcripts but is not required to despite their policy manual.</li> </ul>
2843 IDELR 717 1998	Brownsville/Student X	<ul style="list-style-type: none"> <li>• Comp. Ed is limited to ed. Available within district curricula</li> <li>• College level course as comp. ed. is beyond appeal panel authority</li> <li>• District waived issue of the panel ordering in-service training and revised gifted policies</li> </ul>
26 IDELR 717 1997	Brighton/MZ	Gifted Students are not eligible for tuition reimbursement or transportation for college courses unless agreed to by the district
31 IDELR 27 9/13/07	WG& TG/Cumberland	Dually identified students had inappropriate GIEP did not get reimbursed for private school tuition
51 IDELR 100 10/3/08	BB/Council Rock	Cost of IEE reimbursement was denied.
<b>PA Appeal Panel Decisions</b>		
Appeals Panel 670	BE/East Penn	No absolute criterion for mastery; for this case Mastery = A grade
Appeals Panel 789	MR/Greensburg Salem	• Scheduling conflict is not excuse for denying services
Appeals Panel 0955 10/11/99	Student/Brownsville	<ul style="list-style-type: none"> <li>• Dually identified. Transition services not indicated.</li> <li>• Provide enrichment and accelerations.</li> </ul>

Appeals Panel 958, 978 and 1007 4/4/00	KF/Pennsbury SD	<ul style="list-style-type: none"> <li>The ultimate objective is providing appropriate education, not the best education, based upon the student's needs.</li> <li>Pendency does not mean the district may ignore obligation to educate special Education students because a component of IEP is under appeal</li> <li>Acceleration and enrichment to ensure progress should continue</li> <li>A dually identified gifted student with stress and emotional issues that caused lack of motivation and lower grades led to lack of a GIEP and gifted services.</li> <li>Compensatory education award was raised and a new IEP was to be constructed including present levels, goals and STLO since FAPE not provided</li> </ul>
Appeals Panel 1024 6/24/00	AD/Chambersburg	<ul style="list-style-type: none"> <li>Identification for giftedness was not based on IQ alone and the student was not found to be in need of special services so the child was determined to not be gifted.</li> <li>Hard-and-fast 1 year limitation does not apply to remedy of compensatory ed</li> </ul>
Appeals Panel 1048 9/12/00	MR/Marple Newtown	<ul style="list-style-type: none"> <li>Graduation Credits: district may not impose policies on exceptional children that are contrary to Commonwealth law; no graduation plan, specific enrichment</li> <li>District may not deny credit for high school course taken in middle school</li> <li>Credit provided or courses approved by GIEP team taken at an accredited school</li> <li>District directed to employ an expert with doctoral degree specializing in Gifted Education to help develop a GIEP</li> <li>District required to provide in-service training in gifted for all staff working with the student</li> </ul>
Appeals Panel 1055 9/20/00	AL/Lower Marion	See court appeal 785A.2d 1069
Appeals Panel 1090 1/25/01	JO/Saucon Valley	<ul style="list-style-type: none"> <li>Issues with gifted identification process. Child was determined to be non-exceptional for gifted identification.</li> <li>Appropriate assessment required for educational placement</li> <li>No ceiling on gifted educational benefit</li> <li>Compensatory time must be outside of school day</li> <li>Appeals Panel cannot hear 504 plan issues</li> <li>Additional comp time awarded for delay in implementation of order</li> <li>Parents challenged calculation of GPA and effect on class rank – panel upheld that this was a non-hearable issue under PA Code 14.64 (a)</li> <li>GIEP must be substantive, provide meaningful benefit, match abilities, address educational levels, objective criteria, specific, measurable and observable goals</li> <li>Current test scores needed to develop an appropriate GIEP</li> </ul>
Appeals Panel 1096 2/15/01	EB/Williamsport	
Appeals Panel 1099 2/8/01	VS/Conemaugh Valley	
Appeals Panel 1132 6/25/01	JP/Council Rock	
Appeals Panel 1142 6/29/01	VK/Millcreek	
Appeals Panel 1156 8/2/01	AS/Charlertoi	

		<ul style="list-style-type: none"> <li>District not relieved of responsibilities based on difficulty to implement</li> <li>Training in development of appropriate GIEP's ordered</li> <li>Enrichment program does not relieve district from meeting student needs</li> <li>Dually identified; organizational problems and writing and gifted services.</li> </ul>
Appeals Panel 1159 8/14/01	KM/West Shore	
Appeals Panel 1173 9/19/01	CF/Lower Marian	<ul style="list-style-type: none"> <li>Question identification process and meeting timelines for paperwork; no identification nor compensatory ed provided</li> </ul>
Appeals Panel 1185 10/20/01	KJ/Central Dauphin	Due Process involved detailed information on visual problems, IEP and gifted identification. Student was determined not in need of special services.
Appeals Panel 1194 11/21/01	SS/Charlatoi	Compensatory education disagreement; award must fall within the districts curriculum
Appeals Panel 1219 3/18/02	RB/Canon-McMillan SD	Child's entitlement to special education should not depend on vigilance of parents Comp. ed awarded – time to raise claim is one year IEP team does not determine nature of comp. ed - parents select options
Appeals Panel 1221 3/22/01	DS/Carlynton	<ul style="list-style-type: none"> <li>GIEP was not appropriate and did not meet the student's needs for study skills, organizational skills, and remediation in basic algebra.</li> <li>No statute of limitation bars review of GIEP's more than 2 years old</li> <li>Commonwealth Court later upheld a 2 year Statute of Limitations</li> <li>District required to provide Individualized plan in addition to gifted AP courses and gifted enrichment program</li> </ul>
Appeals Panel 1226 4/20/02 (day not included)	MS/Steel Valley	<ul style="list-style-type: none"> <li>Dually identified student.</li> <li>Case determined that expulsion for terroristic threat was not based on Student disability. IEP's were not appropriate.</li> </ul>
Appeals Panel 1229 4/12/02	SG/Methacton	Tuition reimbursement for private placement is not available for a gifted student (early graduation)
Appeals Panel 1232 12/15/02	MS/Steel Valley	<ul style="list-style-type: none"> <li>GIEP must be individualized, appropriate, based on instructional level</li> <li>Assessment required for appropriate placement</li> <li>Eligibility under IDEA means both strengths and needs are part of him</li> </ul>
Appeals Panel 1234 4/25/02	WG/Cumberland Valley	Dually identified student was provided with FAPE and support in school. Parents sought personal instructors in each content area and help outside of school to help with video talents. Districts are not required to fund unlimited programs outside of school.
Appeals Panel 1242 5/15/01	JG/Carlynton	<ul style="list-style-type: none"> <li>The District GWR and the PLEP's and Goals on the GIEP were appropriate. The STLO's and assessment procedures are not effective to support the goals.</li> </ul>

		<ul style="list-style-type: none"> <li>• There was no documentation to support identification of learning disability.</li> <li>• Parents questioned the compensatory award so it was reversed.</li> <li>• The district was to provide in-service training in Chapter 16 Gifted Education Law</li> </ul>
Appeals Panel 1256 7/2002	JB/W. York	School district is not required to pay for educational supplies, materials or field trip costs not an integral part of the GIEP
Appeals Panel 1270 8/20/02	BC/Lancaster SD	<ul style="list-style-type: none"> <li>• Student was awarded compensatory education in the areas of reading and math because FAPE services were denied in those content areas.</li> <li>• Several additional hearings determined the limits of this award in terms of educational time denied and their monetary value.</li> </ul>
Appeals Panel 1276 9/10/02	WS/Upper St. Clair	<ul style="list-style-type: none"> <li>• Expert testimony and written report are admissible at hearing if disclosed – not necessary to present them to IEP meeting first</li> <li>• Montour doesn't always rule</li> </ul>
Appeals Panel 1284 10/16/02	WG/Saucon Valley	<ul style="list-style-type: none"> <li>• Comp ed begins at the point when district knows that child's ed. Program is not appropriate. The comp ed time is equal to the period of deprivation minus the time reasonably required for the district to act</li> </ul>
Appeals Panel 1287 10/31/02	AS/Charleroi	<ul style="list-style-type: none"> <li>• Compensatory education hour determinations; may be used after school, summer school, during school year</li> <li>• Develop new GIEP for present levels and educational placement; District cannot implement an inappropriate document</li> </ul>
Appeals Panel 1322 1/29/03	JC/Lancaster City	<ul style="list-style-type: none"> <li>• GIEP teams may determine use of compensatory education</li> <li>• Statute of Limitations does not apply in cases of violation of child find</li> </ul>
Appeals Panel 1328 1/12/03	SL/Central Columbia	<ul style="list-style-type: none"> <li>• Identification process questioned and upheld</li> <li>• Hearing Officer has the discretion to limit evidence and testimony at a hearing that is cumulative and/or not relevant</li> <li>• Cases are viewed in context of the district providing an appropriate education not an optimal one</li> </ul>
Appeals Panel 1332 2/24/03	BC/Lancaster SD	<ul style="list-style-type: none"> <li>• The content areas of compensatory education awards cannot be changed after the fact.</li> <li>• Compensatory education may not be limited to tutoring and district must offer a broader array of remedial, regular, enrichment and developmental services in reading and math where FAPE had been denied.</li> <li>• Hourly cost of comp time may not exceed salary + benefits of the gifted support teacher</li> </ul>
Appeals Panel 1355 5/2003	MC/Lancaster SD	Dually identified student was not provided with counseling and behavioral support despite recommendations from psychologist

Appeals Panel 1394 9/8/03	FP/Philadelphia	The district offered a GIEP and an IEP that provided FAPE and tuition for a private school will not be provided.
Appeals Panel 1404 9/18/03	JC/Lancaster SD	Formula for determining Comp Ed hours
Appeals Panel 1407 9/6/03	KS/Methacton	Panel ruled that child was not to miss lunch regardless of district scheduling issues
Appeals Panel 1429 11/26/03	BC/Lancaster SD	Parents had been awarded compensatory education hours for gifted and general education offerings. They were seeking reimbursement for athletic clinics, sports, and extra-curricular activities. The appeal was denied since athletic related activities were not "in-kind" remedies for the original decision. Summer camps do not lie within district curricular offerings.
Appeals Panel 1432 1/2/04	MZ/Bethlehem	Student was dually identified (504, CAPD, PDD, gifted) Child had both a GIEP and an IEP. They were deemed appropriate. At that time there was nothing in PA regulations requiring that an IEP and GIEP be combined. <i>(this is not the case now)</i>
Appeals Panel 1438 1/12/04	CR/C Bucks	Student was provided with district gifted services while enrolled in parochial school (School Code 5 – 501). The following year the district withdrew the option for dual enrollment. The panel determined that the district must identify and provide gifted services for <i>all</i> students within it's boundaries. (did the service part of this change?)
Appeals Panel 1478 5/7/04	KN/ E Penn	Student experienced psychological issues that the district ignored although notified. Student was awarded compensatory education and an IEE expense was reimbursed.
Appeals Panel 1483 5/17/04	FS/Philadelphia	<ul style="list-style-type: none"> <li>Dually identified student was not provided with FAPE and should have access to Limited English Proficiency for evaluations</li> <li>School District must provide an appropriate program even though it is a special admissions magnet school</li> </ul>
Appeals Panel 1525 9/28/04	Student/Palisades	Student gifted in math transported to HS for geometry would miss middle school instruction. Student had been awarded compensatory ed. For class time missed to take geometry – decision was reversed
Appeals Panel 1536 11/3/04	JP/York Suburban	<ul style="list-style-type: none"> <li>District cannot have a policy against grade skipping</li> <li>Panel rejected "lack of individualization is legally acceptable if the IEP meets the student's needs and abilities</li> <li>Meeting discretionary level of giftedness (several scores below 130)</li> </ul>
Appeals Panel 1550 12/24/04	AD/Lower Marion	<ul style="list-style-type: none"> <li>Dispute over appropriate GIEP and request from district for a Functional Behavior Analysis.</li> <li>Parents desired private instruction which was beyond the scope of District</li> </ul>

Appeals Panel 1561 1/2005	Haverford/JR	<ul style="list-style-type: none"> <li>requirements to meet FAPE. Math proposal was appropriate.</li> <li>Sets limits on individualized education; student entitled to enrichment not tutoring</li> </ul>
Appeals Panel 1574 3/7/05	MF/Marple Newtown	District felt that compensatory education was both not appropriate nor calculated fairly. Appeals panel decided that compensatory ed was not indicated The student did not qualify for OT services but was provided with a GIEP. Parents challenged the GIEP requesting additional modifications for being double-jointed. The GIEP was found to be appropriate although not perfect.
Appeals Panel 1586 3/23/05	D.L./Daniel Boone	Flaws were indicated in GIEP in the PLEP, Goals, SDI sections in a previous hearing Calculations for Compensatory Education were discussed: compensatory education should be awarded for proven areas of talent; it will not be awarded for entire days of school attendance
Appeals Panel 1598 5/3/05	Schuykill/MG	District objected to the calculation of Compensatory education award. The appeals panel limited redress to one year rather than two and upheld the rest of the compensatory education awarded.
Appeals Panel 1604 5/6/05	BC/Penn Manor	<ul style="list-style-type: none"> <li>District instructed to add STLO for each Goal in the GIEP.</li> <li>IDEA does not apply to attorney fees and tuition.</li> <li>One year statute of limitations upheld, compensatory education award upheld</li> </ul> This decision was upheld in state court 1150 C.D. 2005
Appeals Panel 1647 9/23/05	F.W/Sharon City	Parents requested 6 AP courses. District offered 4. Panel ruled 4 provided FAPE in this case since student made appropriate progress. Parents wanted college courses. Panel determined that was beyond the district's curriculum.
Appeals Panel 1654 10/13/05	Student/Butler	<ul style="list-style-type: none"> <li>GIEP offered some variety but did not fit requirements of Ch. 16</li> <li>GIEP improvement in goals and short term learning outcomes for student progress beyond the theme related gifted program</li> </ul>
Appeals Panel 1669 11/21/05	L.P/E. Stroudsburg	<ol style="list-style-type: none"> <li>Parents claim child did not make meaningful ed. Gain for 2 years based on case law from Ch. 14 and IDEA Panel refused since Ch 16 regulations draw a clear distinction between gifted law and special ed required under Federal Law</li> <li>Parents felt child did not meet GIEP goals Panel refused. Goals are prospective not retrospective. They were reasonable at the time of creation.</li> <li>Parents felt the current GIEP was not appropriate Panel determined it was appropriate in goals, Short term objectives and SDI. The panel expressed a clear preference for CBA's to measure progress over standardized testing</li> </ol>

Appeals Panel 1706 1/30/06	J.P./York Suburban	Use of compensatory education does not lie at the discretion of the parent and student. The award need not go beyond the district's curriculum. No precedent for requiring a monetary award in place of time although district's may do so. Using a 4 year old evaluation can yield to denial of FAPE
Appeals Panel 1719 4/27/06	Student/Penn Delco SD	<ul style="list-style-type: none"> <li>• GIEP failed to report current instructional levels and other information to establish level of educational performance within curriculum in any academic area</li> <li>• Grade and age equivalents are not synonymous with instructional levels</li> <li>• Rates of Acquisition and Retention recorded provide no readily calculable data</li> <li>• Knowledge in content areas does not provide data to plan an educational program</li> </ul>
Appeals Panel 1737 6/15/06	D.D./North Penn	<ul style="list-style-type: none"> <li>• The short term learning outcomes were not individualized, measurable, nor did they establish assessments and timelines. Although progress could be measured, goals and objectives to meet the goals were not included.</li> <li>• Teacher observation and review for assessments are vague and subjective. SDI's were neither special nor individualized.</li> <li>• Needs were not specific.</li> <li>• Positive parent comments about an educator do not ratify an inappropriate program or placement</li> </ul>
Appeals Panel 1748 7/10/06	Zs/W Chester	<ul style="list-style-type: none"> <li>• Dually identified, 504, and gifted</li> <li>• Compensatory education for secondary level was computed based on 30 min/day for 36 weeks/year. This average was used as a matter of judicial notice.</li> <li>• The Panel provided 30 days for the District to rectify the GIEP.</li> </ul>
Appeals Panel 1768 8/30/06	A.F./East Penn	Parents may obtain IEE's at their own expense but may not see reimbursement from the school district.
Appeals Panel 1797 12/18/06	Student/Saucon Valley	<ul style="list-style-type: none"> <li>• Hearing impaired gifted</li> <li>• GWR was appropriate with district psychologist and not one who specializes in evaluation of gifted children</li> <li>• Hearing accommodations were appropriate      Compensatory ed awarded for lack of measurable goals, plan in GIEP</li> </ul>
Appeals Panel 1771 9/23/06	B.C./Penn Manor	<ul style="list-style-type: none"> <li>• Parents requested high school credit for graduation for high school course taken in sixth grade. The district did offer to accelerate the student to ninth grade.</li> <li>• Panel held that the GIEP did not entitle student to graduation credit and that PDE guidelines are not mandatory</li> </ul>
Appeals Panel 1787	AH/Haverford	<ul style="list-style-type: none"> <li>• Panel placed the Burden of Proof on the party making the motion</li> </ul>

12/20/06			<ul style="list-style-type: none"> <li>• GIEP inappropriate. PLEP were vague and did not indicate mastery nor need in content; no baseline provided for independent performance</li> <li>• Appeals panel awarded student compensatory ed. - one hour per school day of services all ready available in the district.</li> <li>• Timing for compensatory ed to be determined by parents</li> <li>• Parents may audiotape GIEP meetings</li> </ul>
Appeals Panel 1788 11/4/06	JC/Penn Manor		Upheld that an accelerated math student should have an 80% proficiency goal for grades rather than 90% goal in the accelerated class
Appeals Panel 1791 11/19/06	D.D/North Penn		<ul style="list-style-type: none"> <li>• Continuation of the entry above. The newer GIEP developed-               <ul style="list-style-type: none"> <li>◦ Outcomes were still not objectively measurable</li> <li>◦ Assessments were not objective – those listed were papers, projects, presentations, rubrics, conferences, self-evaluation and participation</li> <li>◦ SDI were not instruction based. They included monitor, activities, projects and peer review.</li> <li>◦ GIEP was inappropriate because it was based on a GMDE from 4 years prior to the development</li> </ul> </li> </ul>
Appeals Panel 1862 1/29/08	J.W/Fairview		Student suspended for 10 days for disciplinary action. Parents claim re-enrollment since GIEP could not be implemented in cyber school. Panel denied the request since discipline protection guaranteed under Ch 14 and IDEA do not apply
Appeals Panel 1920	Z/Bethlehem (case not available on site)		Parent's native tongue was Mandarin Chinese. Although an interpreter was provided throughout hearing, decision was not translated in writing. Panel instructed district to translate the document. See State Court Appeal 976 A.2d 1284 - reversed
Special Ed Opinion 1429 11/26/03	BC/Lancaster		A district is not required to reimburse compensatory education money for basketball camps, clinics and athletic association memberships
Special Ed Opinion 1564 1/10/05	Student/Lower Marion		<ul style="list-style-type: none"> <li>• District did provide FAPE even though GIEP's fell short of best practice</li> <li>• Best Practice in not a legal standard for determining appropriate education</li> <li>• Panel not required to follow state gifted guidelines</li> </ul>
Special Ed Opinion 1604 5/6/06	Student/Penn Manor		<ul style="list-style-type: none"> <li>• The application of FAPE for gifted is less rigorous because students with a disability warrant a "floor" of opportunity whereas gifted students are at the ceiling end of the spectrum.</li> <li>• Compensatory education; delay of scheduling hearings and process</li> </ul>
Special Ed Opinion 6652 8/14/06	Student/Ambridge Area		<ul style="list-style-type: none"> <li>• Denial of FAPE since GIEP goals were not specific to student and no documentation on measurement of goals.</li> <li>• Need for transparency and coordination between pull-out gifted services and regular classroom enrichment</li> </ul>

*Special Ed Opinion 7259 3/28/07	Student/Claynton	<ul style="list-style-type: none"> <li>• HO found parents did not meet burden of proof for acceleration</li> <li>• PA statute notes no obligation to maximize potential</li> <li>• Dually identified. Parents were denied reimbursement for IEE. IEE did not include classroom observation, not regular ed teacher as part of team,</li> <li>• IEE's may be presented to district but hearing officer lacks jurisdiction to replace the district evaluation with the IEE.</li> <li>• Hearing Officer has no jurisdiction to require training in district.</li> <li>• It was decided that student does not qualify for special education nor gifted services.</li> </ul>
Special Ed Opinion 9262		A private evaluation indicated giftedness and the district evaluation did not. Since the private evaluator had 30 years experience and a doctorate, the panel honored the private evaluation. Student was awarded one hour per day for services not provided.

Linda Deal 12/09 linda.deal@penmanor.net

Cases with incomplete reference numbers were not available on line.

Several cases are not reviewed on the chart. These cases contested the identification of students who were considered non-exceptional by districts (0896, 1048, 1096, 1259-A, 1627, 1671, 1777, 7176).

Although gifted students are not entitled to FAPE, FAPE is referenced in hearing officer decisions. Gifted students are not guaranteed FAPE, however in Chapter 16 Section 1.vii, gifted children are guaranteed "Specially designed instruction to meet the needs of a gifted student that is ... reasonably calculated to yield meaningful educational benefit and student progress."

\*In the Special Ed Opinion 7259, the Hearing Officer did not address lack of implementation of a previous Hearing Officer Order. That function belongs to the Bureau of Curriculum and Academic Services and the oversight for enforcement for gifted hearings lies within that department.

The summaries are not to be used for legal interpretation. They are quick reference for locating cases dealing with specific topics.

Full cases can be found at:

The ODR site:

<http://odr.pattan.net/duelprocess/Appeals-Browse.aspx?PageNumber=0&Category=Gifted%20and/or%20Talented>

On line Google search:

Google: "google scholar" then do an "advanced search".

[http://scholar.google.com/advanced\\_scholar\\_search?hl=en&as\\_sdt=2000.](http://scholar.google.com/advanced_scholar_search?hl=en&as_sdt=2000)

