

Oct. 26, 1998

Mr. Peter Garland

Executive Director

State Board of Education

333 Market Street

Harrisburg, PA 17126-0333

RECEIVED

OCT 2 1998

PA STATE BOARD  
OF EDUCATION

ORIGINAL: 1986  
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Dear Mr. Garland,

I am concerned about what impact the proposed Chapter 16, published on Oct. 3, 1998 in the PA Bulletin, might have on my children's gifted program they attend thru the Pgh. Public School system. Specifically, there are many questions that are not answered that concern me because they may effect my gifted children.

Is this document trying to separate Gifted Ed. from Special Ed.? Even though the case law already in place is to be honored, the rights of gifted children to free + appropriate education is not mentioned in this document.

Also, there's no stipulation that the funding for Gifted Ed. will continue to come from Special Ed. funding.

(over)

CONF-5 10/1/86  
10/1/86

When funding formulas changed, regular school budgets have had to pay for more of Special Ed. You shouldn't reduce the Special Ed. deficit by eliminating Gifted Ed. from that budget.

Class size in Chapter 16 is also a factor that needs amended. Guidelines limiting individual class size, not just total class load, need to be specifically stated. If this is not clearly stated case loads could be interpreted in a way that would be detrimental to the gifted program as we know it now.

In a large group it is hard to provide specially designed instruction. The restrictions to individual class size need to be continued in this Chapter.

Parents of gifted students need to be assured ~~of this~~ that the areas mentioned above are not negatively impacted before we can support any positive changes Chapter 16 may bring.

Sincerely,  
Greg + Julie Darbish  
1252 Commercial St.  
Osh 15218

TO SCHOLARS TOO  
WHAT I'M SAYING TO YOU MR. GARLAND  
IS THIS "IF ITS NOT BROKEN, DONT FIX IT!"  
GIFTED STUDENTS ARE SPECIAL TOO!

Sincerely,  
Maeagan Wells  
Maeagan Wells

2103 HAZELDELL ST.  
PSH 15210

ORIGINAL: 1986  
No copies per MLH

Oct. 26, 1998

Mr. Peter Garland

Executive Director

State Board of Education

333 Market Street

Harrisburg, PA 17126-0333

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Also, there's no stipulation that the funding for Gifted Ed. will continue to come from Special Ed. funding.

(over)

03/04-5 11/1/25  
1/25/86  
1/25/86

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Parents of gifted students need to be assured ~~of~~ that the areas mentioned above are not negatively impacted before we can support any positive changes Chapter 16 may bring.

Sincerely,  
Greg & Julie Darbish  
1252 Commercial St.  
Osh 15218



PENNSYLVANIA ASSOCIATION  
FOR GIFTED EDUCATION

3026 Potshop Road • Norris **RECEIVED** • Helpline (215) 616-0470

2000 MAR 10 AM 8:47

INDEPENDENT REGULATORY  
REVIEW COMMISSION

March 6, 2000

Original: 1986

Mizner

cc:

Harris

de Bien

Sandusky

Legal

Ms. Kimberly deBien  
Regulatory Analyst for IRRC  
333 Market Street  
Harrisburg, PA 17120

Dear Ms. deBien:

I would like to express my thanks to you for meeting with Bill Murray and me on February 24. The Pennsylvania Association for Gifted Education (PAGE) appreciates your efforts in obtaining the inclusion of PDE monitoring in the Final Form Regulation. As you know, we believe that without the adoption of a system for monitoring compliance, the message sent to school districts would be that PDE regards Chapter 16 as a lower priority than Chapter 14 and that gifted students and their parents are second class citizens.

It is our hope that with our combined efforts we will be able to resolve this issue in an expedient way. However, for the reasons set forth at our meeting and in my letter dated February 7, PAGE again respectfully requests the Commission to disapprove the Final-Form Regulation and to ask the State Board to resubmit with the revisions requested by PAGE.

Sincerely,

Judy B. Johnston

President



PENNSYLVANIA ASSOCIATION  
FOR GIFTED EDUCATION

3026 Potshop Road • Norristown, PA 19403 • Helpline (215) 616-0470

## Chapter 16 Position Paper

To ensure that Chapter 16 truly provides "quality gifted education services and programs," [16.2 (a)], we believe that the following additions or changes in bold print are necessary. The title of the Chapter should read "Pennsylvania Special Education for the Gifted."

[16.2(b)] Since the creation of Chapter 16 does not remove gifted education from special education under 22 Pa. Code, *change gifted education to special education for the gifted.*

[16.2 (c) and 16.6 (a)] It is important to have a compliance and monitoring process in place in Chapter 16 as guaranteed in 22 Pa. Code ss 14.8. *The Commonwealth.... will provide general supervision of services and programs provided under this chapter including random procedural and programmatic audits, complaint-driven audits to assist districts in developing corrective action plans, and continued inclusion of gifted students in the the tracking system used for other students in special education.*

[16.3 (a)] *The Secretary may approve exceptions to this chapter for the operation of research-based experimental programs....*

[16.5 (c)] *A school district and intermediate unit shall provide....annual inservice training for...*

[16.6 (a)] Refer to the third item above.

[16.7 (b) and (c)] The language in both of these sections imply a separation of gifted education from special education. To eliminate this implication, we suggest the following changes in language.

(b) *If a student is determined to have a dual exceptionality, the procedures in Chapter 14 and 342 take precedence.*

(c) *...processes in order to provide for a student's needs as a dually identified student.*

[16.22 (f)] *Gifted multidisciplinary evaluations shall be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including assessment in all basic skill areas, academic functioning, learning strengths, rate of retention and acquisition, educational needs, and information from classroom observations.*

[16.22 (i)] *and shall indicate the names and positions of the members of the GMDT, including signatures indicating approval or disapproval of the recommendations of the report.*

[16.32 (c)] Add:

#6 At least one teacher of the gifted and at least one regular education teacher, if the student does or may participate in the regular education environment.

[16.32 (e)] Add:

#6 *Names, positions, and signatures of GIEP team.....*

#7 A statement of the graduation plan.

#8 A statement of supports for school personnel responsible for implementing the GIEP.

16.41 (b)] *Such placement shall :*

#3 Provide the appropriate level of intervention at which the student performs successfully.

#4 Provide curricula and opportunities to participate in programs which include higher level thinking skills, advanced content acceleration and enrichment as appropriate for the students needs.

[16.41 (c) (3)] The caseload needs to be clarified in Chapter 16 as it related to individual class size and a teacher's total class load including regular education students. We suggest the following:

School districts shall establish a continuum of programming options for gifted students which could include:

#1 Regular classroom instruction, with instructional support provided by the facilitator/teacher of the gifted with a caseload of no more than 75 gifted students.

#2 Gifted education programs provided by the facilitator/teacher of the gifted in a resource room with a case load of not more than 75 students. In determining caseload, reasonable consideration shall be given to the number of buildings to which a teacher is assigned and the travel time between those buildings.

#3 A designation of full time would include core academic subjects solely within the gifted education classroom. Rosters shall not exceed 20 students



Original: 1986  
McGinley  
cc: Harris  
de Bien, Sandusky, Legal



PENNSYLVANIA ASSOCIATION  
FOR GIFTED EDUCATION

3026 Potshop Road • Norristown, PA 19381 • Fax (215) 616-0470

2000 FEB 11 AM 9:18

February 7, 2000 INDEPENDENT REGULATORY  
REVIEW COMMISSION

John R. McGinley, Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 3  
333 Market Street  
Harrisburg, PA 17101

RE: Chapter 16 Final Form Regulation  
Request for Disapproval

Dear Chairman McGinley:

The Pennsylvania Association for Gifted Education (PAGE) is in complete agreement with the creation of Chapter 16 and applauds the State Board's efforts to implement the statutory rights of this exceptionality. We must express, however, our grave concern regarding the State Board's inexplicable refusal to include in the Final Form Regulation any responsibility on the part of the Department of Education ("PDE") to monitor the school districts' compliance with Chapter 16. The end result may be a "toothless tiger."

**PDE Monitoring:**

Contrary to the recommendations of the Senate Education Committee, the House Education Committee and the Independent Regulatory Review Commission, the State Board failed to adopt a system for monitoring compliance. As proposed by PAGE, such monitoring should include cyclical auditing, target monitoring when a complaint is filed, and Penn Data tracking. This proposed system would simply maintain the status quo; this is how gifted education is currently monitored. To retreat from this current commitment to monitor the quality of gifted programs and to assume the districts' compliance with procedures is to send a message to school districts that PDE regards compliance with Chapter 16 to be a lower priority than Chapter 14 and that gifted students and their parents are second class citizens.

To assure quality programming on a state-wide basis the General Assembly should require the State Board and PDE to commit to periodic monitoring of these programs required by the General Assembly. In this season of rigorous standards and accountability, in light of the districts' experience that it is the norm for PDE, on behalf of the State, to monitor and protect the rights of special education students, and when such monitoring was requested by the General Assembly, this glaring omission communicates to school districts, particularly those that are resistant to the concept of "gifted," that there will be less than rigorous enforcement of Chapter 16 and that parents are on their own.

Before the proposed Chapter 16 and its elimination of monitoring, the monitoring system provided a systematic review involving parents, teachers, and administrators in a cooperative effort to evaluate the strengths and weaknesses of a district's gifted program. Without monitoring, there is no state level commitment either to the implementation of Chapter 16 or to accountability for the quality of gifted education. Without this review, multiple parents will be forced to file individual due process complaints in order to try to correct systemic problems. The alternative is to force parents and school districts into expensive litigation in the courts.

John R. McGinley, Chairman  
Page 2  
February 7, 2000

Graduation Plan:

PAGE has consistently asked for the inclusion of a graduation plan for gifted students. We are narrowing our request to address a recurring problem: students, who because of acceleration, are on a current educational level beyond what the district is able to provide through its normal high school courses of study. Graduation Plans need to be required for students who have completed high school offerings, including gifted programming, before their senior year but without having earned sufficient "high school" credit to graduate.

Regular Education in IEP:

PAGE requests that regular education teachers be required to participate in the GIEP process in the same manner as they are required to participate in the development and implementation of the IEP in the special education of children with disabilities. Regular education teachers must understand and be involved in the development of the strategies employed, must understand the learning styles and special needs of gifted students, and be involved in the delivery of services. To address the needs of gifted students regular teachers must participate; a pullout program delivered by one special education teacher is as inappropriate for the gifted as it is for children with disabilities. Pullout programs serve children for a small percentage of their educational time so that the full-time regular teacher is critical in meeting their needs.

Inservicing:

The Final Form Regulations include the need for inservicing of all staff. PAGE would like to see the inservice conducted annually.

For the reasons set forth above, PAGE respectfully requests the Commission to disapprove the final-form regulation and to ask the State Board to resubmit the regulation with the revisions requested by PAGE.

Very truly yours,



Judy B. Johnston  
President

JBj/mil

cc: Dr. Peter Garland, Executive Director, State Board of Education  
Ms. Mollie O'Connell Phillips, Chair, Standing Committee on Special Education

October 1998

ORIGINAL: 1986  
No copies per KTD

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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PA. STATE BOARD  
OF EDUCATION

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HARRISBURG

Dear Mr. Garland:

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the Pennsylvania Bulletin. Specifically, I am concerned about the potential impact this may have on my child, who is currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to many parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there appear to be assurances that case law already established will not have to be re-litigated, the question of retaining the rights of these students to a free, appropriate education is not addressed at all in the document.

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will still come from special education funding in the state. Everyone knows that the funding of all of special education is a constant source of concern in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. How easy it would be to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget.

A third concern raised by Chapter 16 is the class size issue. Specific guidelines need to be clearly stated that limit individual class sizes, not just total class load. To leave that unaddressed in this document is to invite individual administrators to "creatively" interpret case load to the destruction of our currently successful gifted programs here in the city.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to Gifted Education in the state of Pennsylvania.

Sincerely,

*William J. Edgar*  
314 Walter St.  
Pgh, Pa. 15210

October 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

98 NOV 11 10:02

REVIEW COMMISSION

DEPARTMENT OF EDUCATION

Dear Mr. Garland:

ORIGINAL: 1986  
No copies per KTD

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on my child, who is currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free, appropriate education is not addressed at all in the document.

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A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "creatively" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size need to be continued in this Chapter.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,

*William H. Sims*

Concerned Parent of three gifted children.

No Return  
address

October 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

ORIGINAL: 1986  
FORM LETTER

RECEIVED  
OCT 26 1998  
PA. STATE BOARD  
OF EDUCATION  
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OCT 26 1998

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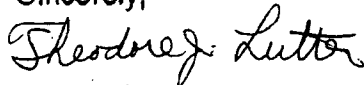
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Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,

  
Theodore J. Lutter

October 28, 1998

Dr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, Pennsylvania 17126-0333

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REVIEW COMPLETE

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OCT 30 1998

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Sandusky  
Legal

Dear Mr. Garland:

The Pittsburgh Elementary Gifted Center and PAGE, Inc. have asked us to send you the attached letter. We endorse the contents of the letter, but would like to add comments of our own.

Through our son, Ezra, we have met dozens of gifted children over the past few years. Their names are John and Justin, Zachary and Joey, Pam and Rachel, David and Ryan, Alex and Sarah, Akira and Osamu. Their backgrounds are varied: German, Irish, English, Hispanic, Jewish, Italian, Greek, African, Malaysian, Chinese, Japanese and Indian. Some are brilliant mathematicians, others subtle and stylish writers, still others wonderful musicians. All seem to thrive on intellectual stimulation and challenges, which are sadly lacking in the regular classes of most public and private schools, especially since tracking was ended.

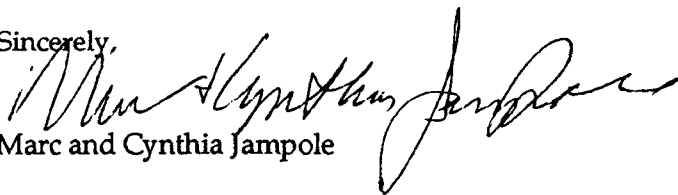
As a society, we are quite willing to expend enormous resources for children with mental and physical handicaps, yet seem to resent the gifted. Yet it is the gifted child who is most likely to grow up to create jobs and economic growth through her or his creativity and innovation.

We are both successful professionals, and quite able to afford additional stimulation for our child. But most of the gifted children we know come from modest, and sometimes quite constrained, circumstances. The one day a week in the gifted center is all that most of them have. Without a strong gifted program, they will be ill-prepared to compete with wealthier children for spots at top universities. And therein we believe lies the true motivation behind the continued watering down of programs for the gifted: *to replace the post-World War II meritocracy with an aristocracy based on wealth.*

What a sad commentary on our supposedly democratic society that we are fighting to save the crumbs that the currently-constructed Chapter 16 may sweep away from the educational table for the gifted. Instead, we should be establishing full-day, five-day-a-week programs for the gifted. We urge you to amend Chapter 16 to explicitly address the special needs of the gifted child, then to consider additional funding for gifted education.

Sincerely,

Marc and Cynthia Jampole



no Return  
address

935 McKinney Lane  
Pittsburgh, Pa 15220  
Oct. 25, 1998

981004-00 001 9-17

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Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 28 1998

PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland:

I am in complete agreement with the concerns raised in the attached letter. I am the sister of a student who is currently enrolled in the gifted program in the Pittsburgh Public School system. The program has given her the opportunity to fulfill her potential. She is progressing in a way which would not be possible in the ordinary school system or in a more limited type of gifted program. This is a successful program which is working very well. Please do not make changes which would weaken the program.

Sincerely,

Maureen Walsh

Maureen Walsh

98 NOV -2 11 9:19

REVIEW COMMISSION

Dana D. Vitko  
116 Deerfield Drive  
Pittsburgh, PA 15235

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OCT 28 1998

PA. STATE BOARD  
OF EDUCATION

October 26, 1998

ORIGINAL: 1986  
FORM LETTER

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

I am writing to you about the proposed Chapter 16 published on October 3, 1998 in the Pennsylvania Bulletin. Specifically, I am concerned about the impact this may have on children currently in the gifted program or who may be thought to be gifted. As a taxpayer, teacher, and parent of a child who was in the Gifted Program from grade 1 to 12 in the Penn Hills School District, there are many questions left unanswered in this document.

It appears that the document is attempting to separate Gifted Education from Special Education in our state. There is no stated assurance in Chapter 16 that the funding for special programs for the gifted will continue to come from Special Education funding in the state. We must not attempt to reduce the deficit between Special Education funding and the cost of special education services by eliminating Gifted Education from the Special Education budget.

Chapter 16 also waters down measurable and enforceable standards for gifted programs as well as reducing monitoring rules and procedures.

Since the Pennsylvania State Board says it is not the intent of Chapter 16 to remove Gifted Education from Special Education under 22 PA Code, the title of the Chapter should be changed from Gifted



Education to Special Education for the gifted. This will insure that funding, measurable and enforceable standards, and monitoring rules and procedures will remain.

Sincerely,

A handwritten signature in cursive script that reads "Dana D. Vitko".

Dana D. Vitko

cc

The Honorable James J. Rhoades  
The Honorable Allyson Y. Schwartz  
The Honorable Ronald R. Cowell  
The Honorable Jess M. Stairs



# Palmyra Area School District

Linda Bare  
Director of Special Education

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OCT 29 1998

PAID BY DEPT OF EDUCATION

Peter H. Garland, Ph.D.  
Executive Director  
State Board of Education  
1st Floor, 333 Market Street  
Harrisburg, PA 17126-0333

Dear Dr. Garland:

The Palmyra School District is supportive of the proposed rulemaking and changes to delete gifted education provisions of Chapters 14 and 342 (relating to special education services and programs) and add a new Chapter 16 (relating to gifted education) as printed in the October 3, 1998 Pennsylvania Bulletin, Vol. 28, No. 40.

We believe that many of the mandates established in Chapter 14 are unnecessary for the provision of an appropriate educational program for students identified as gifted. Specifically, the efforts and resources that are expended to meet the requirement for reevaluation result in minimal benefit to the educational program. We also believe that the removal of class size restrictions allow greater flexibility at the local level. We do agree that there is benefit to maintain the statutory protections for families of students who are gifted and that the separation of gifted education from Chapters 14 and 342 will not diminish those statutory protections. It is our contention that the provisions proposed in the new Chapter 16 are sufficient to govern gifted education services and programs across the Commonwealth.

Sincerely,

*Linda Bare*

Linda Bare  
Supervisor of Special Education

*1125 Park Drive  
Palmyra 17078-3499*



PENNSYLVANIA ASSOCIATION FOR GIFTED EDUCATION

3026 Potshop Road • Norristown, PA 19403 • Helpline (215) 616-0470

June 10, 1999

Original: 1986  
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de Bien  
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John R. McGinley, Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Chairman McGinley:

The Pennsylvania Association for Gifted Education (PAGE) appreciates the opportunity to provide comments regarding the Chapter 16 Final-Form Regulations. We acknowledge your efforts in the formulation of these regulations, yet believe that several essential changes are necessary. It is our understanding that the Senate and House Education Committees and the Independent Regulatory Review Commission (IRRC) must approve or disapprove the Regulations before they are published in the Pennsylvania Bulletin as final form. The State Board of Education failed to incorporate key revisions recommended by the House, Senate and IRRC related to compliance/monitoring\* and graduation planning. Therefore, PAGE asks the House and Senate Education Committees and IRRC to disapprove the Final Form Chapter 16 Regulations and to request the State Board of Education to resubmit the regulations with the following revisions:

- the insertion of a system for monitoring and compliance to include cyclical auditing, target monitoring on a complaint driven basis, and Penn Data tracking.

These Final Form Regulations do not provide a formal structure or provisions for school district compliance monitoring by PDE. PAGE once again reminds legislators and members of IRRC about the importance of maintaining and describing a formal monitoring system in Chapter 16. Without formal monitoring it will be difficult to determine whether districts are complying with the provisions of the Chapter, and PDE may unilaterally discontinue or modify the existing monitoring because the regulation in Chapter 14 requiring the current monitoring has been repealed.

- Provisions for graduation planning need to be added.

The requirement of a graduation plan for gifted students beginning in ninth grade will allow the district and the parents the opportunity to plan ahead to meet the goals of the GIEP. IRRC stated the reason why this provision is important as a part of Chapter 16 when it wrote on December 3, 1998:

"The provisions for development of the GIEP found in Section 16.32 do not address the need for a graduation plan for gifted students. We question how a GIEP can be complete without addressing the student's goals to meet graduation. We understand the majority of students who qualify as 'gifted students' are mastering class work several years above their age level. We recommend the Board incorporate a requirement for graduation plans for gifted students beginning in ninth grade, and allow for such a graduation plan earlier at the recommendation of the Multidisciplinary Team."

\* Please see attached sheet for comments from Senate and House Education Committees and IRRC.

John R. McGinley, Chairman  
Page 2  
June 10, 1999

PAGE strongly urges that these Final Form Regulations not be approved.

Sincerely,



Judy B. Johnston  
President

JBj/mil

Attachment

cc: Dr. Peter Garland, Executive Director, SBOE  
Dr. Eugene Hickok, Jr., Secretary of Education, PDE  
Dr. William Penn, Director, Bureau of Special Education, PDE  
Ms. Mollie O'Connell Phillips, Chair, Standing Committee on Special Education



PENNSYLVANIA ASSOCIATION  
FOR GIFTED EDUCATION

3026 Potshop Road • Norristown, PA 19403 • Helpline (215) 616-0470

**Comments from Senate and House Education Committees and IRRC  
(These suggestions were not incorporated by the SBOE and PDE  
in the Chapter 16 Final Form Regulations)**

**Comments:**

- 1) The Senate Education Committee requested language stating that "the Department will establish administrative procedures that provide ongoing monitoring of program implementation." (Letter from Senator James Rhoades to John McGinley, Jr., Chair IRRC, November 23, 1998)
- 2) The Senate requested that "As part of the annual report, the Pennsylvania Department of Education (PDE) must submit to the State Board a report of all school districts that have failed to complete corrective actions according to the time lines set out by PDE. In the subsequent annual report, PDE must indicate for such school districts what steps it will take, or has taken, including time lines for completion, to either: (a) bring the school district into full compliance; or (b) take enforcement action against school districts." (Letter from Senator James Rhoades to John McGinley, Jr., Chair IRRC, November 23, 1998)
- 3) The Senate requested "language further defining general supervision of services and programs to include: random procedural and programmatic audits, complaint-driven audits to assist districts in developing corrective action plans, and continued inclusion of gifted students in any departmental tracking systems used for students in special education." (Letter from Senator James Rhoades to John McGinley, Jr., Chair IRRC, November 23, 1998)
- 4) The House Education Committee stated that: "**The issue of ongoing monitoring of programs is critical.** Without adequate state oversight there is no assurance to parents that the quality and availability of programming for gifted students will be maintained. Monitoring is crucial to assuring enforcement and accountability. An adjunct to this is the ability of gifted parents to access a complaint-management system when they feel compliance has been compromised." (Letter from Representatives Stairs and Cowell to John McGinley, Jr., Chair IRRC, November 20, 1998)
- 5) IRRC noted the following recommendations in their *Comments on State Board of Education Regulation No. 6-266 Gifted Education: Special Education Services and Programs* (Chapter 16) dated December 3, 1998.

**1. Monitoring and Compliance - Clarity**

- a) "The proposal does not identify specific monitoring responsibilities of the Department of Education (Department). Section 16.71(c) states that the Department will assure that this section is implemented. However without identifiable monitoring provisions on the part of the Department, it will be difficult to determine whether districts are complying with the provisions of Chapter 16."
- b) "Discussions with the Board, as well as input from the Department and the Board at House and Senate Education hearings and information meetings, indicate that a cyclic review of district programs is currently conducted. Gifted programs would be included in the cycle. Additionally, target monitoring is done on a complaint-driven basis and random audits are done as well. However, the Board's proposal does not include any reference to monitoring practices, nor does it indicate how it will enforce compliance with this proposal."
- c) "In its comments, the House Education Committee states that the issue of ongoing monitoring of programs is critical. We agree. We recommend the Board add a section to its final-form regulation which outlines monitoring methods and frequency. The new section should also clearly identify how parents can submit complaints and how complaints will be processed and addressed."

Attachment  
June 9, 1999

ORIGINAL: 1986

MIZNER

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de Bien  
Sandusky  
Legal

55 Timothy Drive  
Ivyland, PA 18974  
October 20, 1998

RECEIVED  
OCT 23 1998  
SCHOOL BOARD  
EDUCATION

Dear Mr. Garland

I find it hard to believe that if Chapter 16 is passed my gifted daughter will be receiving substandard education from the state of Pennsylvania. My daughter attends Churchville Elementary in Bucks County. She deserves special education to fit her needs. She needs the additional challenges that a teacher in a class of 30 can not provide. My daughter needs a concept explained twice not the twenty times needed to accommodate the average or remedial student. She has the right to the maximum education that you want to take away from her. Next I'll hear that handicap and remedial students do not need the help they presently get. I pray I never see that day!

My daughter's favorite class for the past three years is the gifted class. The subjects and teachers have changed year to year, yet the challenge and brain power needed for these classes has remained year after year. Doesn't my daughter deserve the best the state can offer? These children are our future and you want to educate these gifted students on a level below their capacity. I would think the state of Pennsylvania ( and the USA) would want to educate its students to be the best in the world, not average. Do not minimize the education of my daughter and other gifted students.

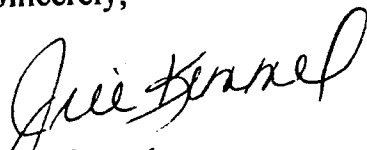
Do not take away my daughter's right to the quality of education she deserves. Being in a class with too many children benefits no one. It penalizes children on both sides of the bell curve. IEP can not be fully accomplished with overcrowded classes. Teachers need the ability to deal with special needs children in small groups.

Gifted education which is special education in all ways must be allowed to continue in all schools in the state. All children are entitled to be educated to their maximum level. Gifted children must be able to receive their maximum level of education without any interference from those who do not understand special educational needs. Gifted students are special children.

**DO NOT TAKE AWAY MY CHILD'S RIGHT TO THE EDUCATION SHE DESERVES.**

**DO NOT SUPPORT CHAPTER 16. DO NOT VOTE FOR CHAPTER 16.**

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Kimmel". The signature is written in a cursive style with a large initial "J".

Jill Kimmel

Taxpayer/Citizen of PA

2618 Woodsvie Drive  
Bensalem, PA 19020

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OCT 27 1998

PA. STATE BOARD  
OF EDUCATION

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Legal

October 20, 1998

Peter H. Garland, Executive Director  
of the State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

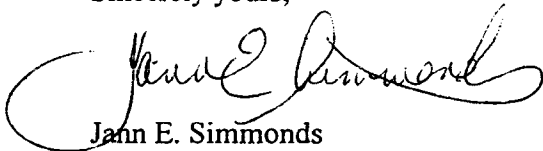
Re: New Chapter 16 (relating to gifted education)

Dear Mr. Garland:

As the parent of a gifted child, I object to the provisions of proposed Chapter 16, particularly Section 16.41. This section intends to "ensure that educational placement is based on a gifted student's needs and that a student benefits from his or her educational placement." However, it also provides that "...this new chapter does not require placement by level of intervention and contains no class size restrictions."

It is this latter language which concerns me. I believe it opens the door for school districts to save money by increasing class size and changing the level of intervention. Gifted education is not just the content of the educational program; it is the other aspects--such as class size--which make the gifted education effective for the student(s). This type of provision will not accomplish the intention of proposed Chapter 16 of ensuring the proper education of gifted students.

Sincerely yours,



Jann E. Simmonds



*Steven G. Duran, Esquire*  
*Attorney at Law*

SO OCT 26 1998  
1018 Street Road, Suite 102, Southampton, PA 18966

(215) 322-4100

Fax (215) 322-7350

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REVIEW COMMISSION

October 20, 1998

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OCT 22 1998

PA. STATE BOARD  
OF EDUCATION

Mr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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Dear Mr. Garland:

I am a proud parent of two children enrolled in the gifted program in the Council Rock School District of Pennsylvania.

I have taken the time to write to you because of my deep concern regarding the consequences of the enactment of Chapter 16.

Chapter 16 does not use language that specifies gifted education as special education. It therefore removes the gifted program from the protection of special education.

Gifted education is often considered a "frill" by the general public, without the same weight and value assumed by learning support.

Although well-meaning, many people feel that gifted children, are, by their very nature, inclined to do well, without any support or intervention.

Nothing could be further from the truth.

As much as those children whose needs require learning support, gifted children are special and different. They are at the other end of the spectrum. Their uniqueness and needs must be addressed and met, as surely as we meet the challenges and needs of our other special children.

Chapter 16 does not mandate class size. Without this mandate, gifted education classes could number 26 or more per class. This type of class size makes gifted support impossible. No one would ever consider a learning support class of 26 individuals -- it would defeat its purpose entirely.

The best part of both of my sons' days are spent in their respective Humanities classrooms. Our gifted program is a "pull-

~~Mr. Peter Garland~~  
October 20, 1998  
Page 2

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out" one of approximately fifty minutes per day. It is the only time during the school day in which they receive the gifted support and attention they need so much.

Small class size and personal attention is vital to a program of this nature, as it is for any special student.

The challenges, the interest, the mental stimulation that my sons' teachers can and have provided to them in the gifted program environment is vital and necessary to their growth as students and as human beings. They could not have been the recipients of their teachers' talent, experience and ability without the benefit of a smaller classroom and a pull-out program.

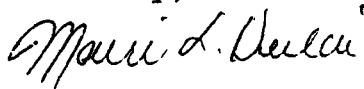
I have always told my children to "reach for the stars" in whatever they try to do. I encourage them, I support them, I listen to them, and I love them, as does every parent.

But I cannot give them the TOOLS nor duplicate the experience the way that their Humanities Teachers are able to do for them.

Please do not deny them, nor the nearly two thousand other children, like them, in our school district of Council Rock, nor the thousands of others across the state of Pennsylvania, the opportunity to reach for their potential.

Thank you.

Sincerely,



Marci L. Dubin

cc: Betsy Keefer, CR Page President  
Representative Roy Reinard  
Representative David Steil  
Senator Joseph Conti  
Michael Reed, Principal, Churchville Elementary School

October 22, 1998

1980 Larch Avenue  
E. Petersburg, PA 17520

Dr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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00127 1998

STATE BOARD  
EDUCATION

Dear Dr. Garland:

As a middle school gifted education teacher, I am writing because I am concerned about proposed changes in Chapter 16 for gifted education. In the Pennsylvania Bulletin, Chapter 16 does not specifically state that gifted education is special education, but it should. By removing gifted education from the protection of Chapter 14, the gifted education program becomes weakened as the numbers soon increase and the individuality of the program is lost. Gifted education must remain as special education. Just as I support special education for students with learning disabilities, an exceptionality, I support special education for giftedness as an exceptionality. Gifted students need challenges above and beyond the regular classroom.

I am also concerned about the lack of a state mandate on class size. The program can not be successful with thirty students in the classroom at once. Individualized Education Plans (IEPs) can not be *individualized* with so many students. I teach seventy students during 1 1/2 hour blocks of time, rotating through the week. By allowing more than 15 students in my class at once, I could not offer them the support and attention they need, or keep in contact with parents. Students thrive when they come to my room. They get to study topics of interest at far more detailed levels than in the regular classroom. They also have the chance to push themselves with their higher order thinking skills.

If Chapter 16 is passed as proposed, Manheim Township Schools and the community will have a political issue to tackle. There will be a struggle between the best education for our students and a dollar cost savings. It is important that these issues be addressed in Chapter 16. The provisions of Chapter 16 as published are not sufficient to govern gifted education and services in our state.

Sincerely,



Kristen Rychener  
Manheim Township Schools  
Neff 6th

93 OCT 26 AM 9:20

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OCT 23 1998  
FILED  
HARRISBURG, PA

**Shawn & Jodi Clark**  
3408 Windy Hill Drive  
Lower Burrell, PA 15068

**October 21, 1998**

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Sandusky  
Legal

**Mr. Peter H. Garland**  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

**Dear Mr. Garland:**

**We are writing to express interest in the Chapter 16 "Pennsylvania Special Education for the Gifted" published October 3, 1998.**

**As parents of a gifted child, citizens, and voters in Pennsylvania, we are deeply concerned that our state be a leader in this area. We need to be certain that the Chapter 16 intent and wording will continue to support the needs of gifted children and require their school districts to provide education that fully meets their needs.**

**We therefore support the changes which the Pennsylvania Association for Gifted Education has proposed to strengthen this chapter. A strong structure underlying gifted education in our state will allow us to proceed with this important venture. We trust that your concern for education will lead you to the same conclusion.**

**Thank you for your attention, interest and service in this matter.**

**Sincerely,**

*Shawn J. Clark*  
**Shawn J. Clark**

*Jodi R. Clark*  
**Jodi R. Clark**



# KEYSTONE CENTRAL SCHOOL DISTRICT

FLEMINGTON BUILDING

310 FREDERICK STREET, PENNSYLVANIA 17745

TELEPHONE: (717) 748-4660 FAX: (717) 748-2026

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OCT 22 1998  
FLEMINGTON

RECEIVED

OCT 22 1998

PA. STATE BOARD  
OF EDUCATION

To: Dr. Garland  
From: Judith Petruzzi, Special Ed. Office KCS D  
Date: 10-22-98  
Re: Chapter 16 regulations

ORIGINAL: 1986

MIZNER

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I am writing today to lend my support to the proposed Chapter 16 regulations as they are currently published in the Bulletin. As a school district, it should have little or no effect on the direct services provided to the student in need of specially designed instruction, however, from the procedural end of the spectrum, it will give districts a bit more flexibility in meeting the needs of this population.  
Thank you.

*[Faint, illegible text]*

AN EQUAL OPPORTUNITY EMPLOYER TITLE IX 1972 EDUCATIONAL AMENDMENT



# NORTHWESTERN SCHOOL DISTRICT

100 Harthan Way • Albion, PA 16401-1311  
Phone: 814-756-4116 Fax: 814-756-5331

**Dr. Lynn K. Corder**  
*Superintendent*  
**Paul P. Sachar**  
*Secretary-Business Mgr.*

October 22, 1998

ORIGINAL: 1986  
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Dr. Peter H. Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

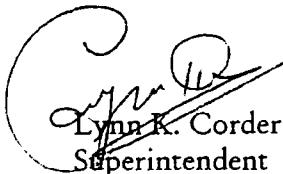
Dear Dr. Garland:

I want to express my approval of the release of Chapter 16 for the education of students who are intellectually gifted. We have been waiting a long time for this Chapter to be released. We want you to know that it has our approval.

There is nothing in it that we can see that would undermine gifted education in Pennsylvania. While the requirements and protections are very much the same as when they were in Chapters 14 - 342, it is important that they be separated from special education laws and regulations consistent with federal laws.

If you need additional comments, please do not hesitate to contact me.

Sincerely,



Lynn K. Corder  
Superintendent

LKC:hw

October 21, 1998

219 Hilltop Drive  
Churchville, PA 18966

Mr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

98 OCT 29 11 01  
INDEPENDENT REGULATORY  
RENEW COMMISSION

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OCT 29 1998  
PA STATE BOARD  
OF EDUCATION

ORIGINAL: 1986  
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Dear Mr. Garland,

I am writing as the concerned parent of a gifted child in the Council Rock School District. I am concerned about Chapter 16 and its affect on my child. I am worried that Chapter 16 does not consider gifted education to be special education. All children should be given the opportunity to reach their full potential, gifted students included. Just as it is important for us to recognize that children with learning disabilities need special education, we need to understand that gifted children are special, also. By fostering their development with the gifted support programs we are helping them to realize their capabilities.

I am concerned that the removal of the gifted program from the protection of Chapter 14 will greatly affect the Humanities program in Council Rock. With the lack of a state mandate on class size our Superintendent will recommend increased class size, possibly even the elimination of separate classes for the gifted completely. Our gifted support program currently exists as a pull-out program with a maximum of 15 students per teacher. With unlimited class size, (or elimination), a teacher will no longer be able to give the individualized attention that makes these classes beneficial for our gifted students. These classes are often the only gifted programming that these students receive.

This is my child's first full year in the Humanities program. She joined the program late in the '97/'98 school year. She has already had the opportunity, at this young age to experience research while putting together a Birthday Book. From cover sheet to illustrations, at age 7 she has begun to learn how to use her talents in thinking and writing. I have also had the good fortune to watch my nephew travel through the Council Rock Humanities program. He is now an Honors Student at Penn State.

I would like to see my daughter, and all of the gifted students in Council Rock, have the opportunity for success like that of my nephew. I don't believe Chapter 16 will encourage this. Please oppose Chapter 16.

Sincerely,  
*Myrna Pressman*  
Myrna Pressman (215 364-4639)

10 Heather Valley Road  
Holland, Pennsylvania 18966

ORIGINAL: 1986  
MIZNER

October 25, 1998

Mr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 23 1998

PA SENATE BOARD  
OF EDUCATION

Re: Chapter 16

Dear Mr. Garland:

I am the parent of a child in the Council Rock School District's gifted program and I am very concerned about the changes that could take place because of Chapter 16. I am also the administrator of a preschool special education program in Philadelphia so I am familiar with the protections that special education is afforded and I believe that gifted programs should continue to have these same protections. The children in the state's gifted programs are often the most talented and most likely to be the leaders of the future America, if provided with an appropriate education. I have been very pleased with the gifted program from elementary school through high school, which is offered by Council Rock. The class sizes are small, the curriculum is challenging and the students are encouraged to do research, participate in stimulating discussions, and think independently. The small class size, which I understand might no longer be mandated, has allowed the teachers to appropriately implement my child's IEP. This would be difficult to do if the humanities' class size was the district's average of 26 students.

Giving the gifted programs in Pennsylvania the protections of special education and limiting the class sizes must be addressed in Chapter 16 in order to continue quality education for gifted children in Pennsylvania.

Sincerely,



Rosemary Karabinos

xc: Betsy Keefer, CR PAGE President  
Representative Roy Reinard  
Senator Joseph Conti

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OCT 23 1998  
PA SENATE BOARD  
OF EDUCATION



October 25, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

ORIGINAL: 1986  
No copies per KTD

NOV 19 11 5: 28

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OCT 29 1998

PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland.

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on children, who are currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free and appropriate education is not addressed at all in the document

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education funding in the state. Funding for all of special education is a constant source of concern in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget

A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "**creatively**" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size needs to be continued in this Chapter.

Assurances need to be provided to parents and advocates of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,

Marcia Hannan  
2628 Lansdale Dr.  
Wexford, PA 15090  
(724) 935-8408

cc: Hon. A. Schwartz, Hon. R. Cowell, Hon. J. Rhoades, Hon. J. Stairs



# CRANBERRY AREA SCHOOL DISTRICT

"AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT"

3 Education Drive • Seneca, PA 16346

Telephone: 814-676-5628  
FAX: 814-677-5728

RICHARD J. VARRATI  
District Superintendent

HENRY J. KARG  
Business Manager / Board Secretary

ORIGINAL: 1986  
FORM LETTER

October 26, 1998

Mr. Peter H Garland, Ph.D.  
Executive Director  
State Board of Education  
1st Floor, 333 Market St.  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

The purpose of this letter is to indicate that I support the proposed new Chapter 16 regulations as published in the Pennsylvania Bulletin of October 3, 1998.

Thank you for your attention to this matter.

Sincerely,

*Edie Bickart*

Mrs. Edie Bickart  
LEA Representative

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OCT 28 1998

PA. STATE BOARD  
OF EDUCATION

STATE BOARD OF EDUCATION  
HARRISBURG, PA 17126-0333

### MISSION STATEMENT

Our purpose, in partnership with the Community, is to provide the best resources to educate, prepare and inspire students to reach their greatest potential.

rr

JUNIOR/SENIOR HIGH SCHOOL  
John C. Irvine, Principal  
Eric W. Stennett, Asst. Prin.  
1 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8504  
FAX: 814-676-5156

ELEMENTARY SCHOOLS  
CRANBERRY & ROCKLAND  
Nicholas A. Bodnar, Prin.  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-1871  
FAX: 814-677-5728

ELEMENTARY SCHOOLS  
PINEGROVE, PINOAK, STEFFEE  
Donna M. Shelatree, Prin.  
3 Southwest Boulevard  
Oil City, PA 16301  
Phone: 814-676-0658  
FAX: 814-676-0659

CRANBERRY AREA SCHOOL DIST.  
SPECIAL PROGRAM SERVICES  
Edie Bickart, LEA  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8787  
FAX: 814-677-5728

October 25, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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NOV -4 AM 9:27

REVENUE DEPARTMENT

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OCT 29 1998  
PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland.

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on children, who are currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

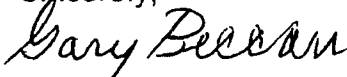
It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free and appropriate education is not addressed at all in the document.

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education funding in the state. Funding for all of special education is a constant source of concern in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget.

A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "*creatively*" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size needs to be continued in this Chapter.

Assurances need to be provided to parents and advocates of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,



Gary Beccari  
115 Cardiff Rd.  
Pittsburgh, PA 15237  
(412) 635-2335

cc: Hon. A. Schwartz, Hon. R. Cowell, Hon. J. Rhoades, Hon. J. Stairs

935 MCKINNEY LANE

PITTSBURGH, PA 15220

OCT. 25, 1998

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REVENUE COMMISSION

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OCT 28 1998

PA. STATE BOARD  
OF EDUCATION

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MR. PETER GARLAND  
EXECUTIVE DIRECTOR  
STATE BOARD OF EDUCATION  
333 MARKET STREET  
HARRISBURG, PA 17126-0333

DEAR MR. GARLAND:

I FULLY ENDORSE THE ATTACHED LETTER. IT SUMMARIZES MY PERSONAL CONCERNS. THE GIFTED PROGRAM IN THE CITY OF PITTSBURGH PUBLIC SCHOOL SYSTEM IS EXCELLENT. MY DAUGHTER AND HER CLASSMATES ARE PLANNING THEIR LONG-TERM EDUCATIONAL GOALS AROUND THIS PROGRAM AND THE OPPORTUNITIES IT PROVIDES FOR ENRICHMENT, INDIVIDUAL PROJECTS, AND ADVANCED PLACEMENT. I DO NOT BELIEVE THAT THE PROPOSED CHAPTER 16 SAFEGUARDS THE RIGHTS OF GIFTED STUDENTS TO A FREE, APPROPRIATE EDUCATION WITH ASSURED STATE FUNDING. THE ISSUE OF LIMITED CLASS SIZE IS ALSO A SERIOUS CONCERN.

SINCERELY,

Kathleen F. Walsh

October 22, 1998

Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg PA 17126-0333

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Legal

OCT 22 1998  
PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland:

We are Grandparents of Paul and John Cohen, both of whom are in the Gifted Children's Program in the school district of Council Rock.

We understand that the language in Chapter 16, as currently written, does not specifically state that Gifted Education is Special Education and it lacks specificity as to class size. Smaller class size is absolutely necessary in order to allow the Humanities teacher to properly instruct these students in a more individualistic atmosphere. We are fearful of the demise of Gifted Education unless diligent action is taken immediately to guarantee its survival and longevity.

Our grandchildren are flourishing under the Gifted Children's Program. We are in constant contact with our grandchildren and are well aware of their talents, learning skills and ability to grasp what is expected of them. It would be a shame, nay, a crime, to have Gifted Education disappear, which would retard the mental and emotional growth that these children so desperately need and deserve. The world is moving too fast. We cannot let these children lose the opportunity to grow intellectually with the world. We must give them every advantage possible to put them in a position to fare well in the sophisticated world in which we live and to prepare them for the future.

Mr. Garland, Chapter 16 in its current form is totally unacceptable. It is without question that Chapter 16 must incorporate language to perpetuate Gifted Education and provide for smaller class size.

Very truly yours,



SOLOMON COHEN - ARLENE R. COHEN  
7748 Bradford Street  
Philadelphia PA 19152  
(215) 624-7740

cc: Betsy Keefer, CR PAGE President  
Representative Roy Reinard  
Representative David Steil  
Senator Joseph Conti

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October 23, 1998

OCT 29 1998

ORIGINAL: 1986  
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PA. STATE BOARD  
OF EDUCATION

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

98 NOV 14 11 01 AM '98  
PENNSYLVANIA STATE BOARD OF EDUCATION  
REVIEW COMMISSION

Dear Mr. Garland:

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*.

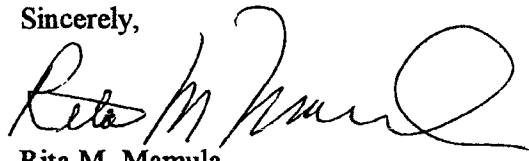
The Proposed Chapter 16 is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free, appropriate education is not addressed at all in the document.

In addition, there is no stated assurance, either in Chapter 16, the Preamble or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education funding in the state. Funding for all of special education is a constant source of concern in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget.

A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "creatively" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size need to be continued in this Chapter.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania. I am concerned as a teacher and parent that the gifted program which has proven so beneficial and successful will continue to be funded.

Sincerely,



Rita M. Mamula

Teacher

The Pittsburgh High School  
for the Creative and Performing Arts  
925 Brushton Avenue  
Pittsburgh, PA 15208

634 Hastings St.  
Pittsburgh, Pa. 15206  
October 25, 1998

ORIGINAL: 1986  
No copies per MLH

NOV 3 11 25

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RECEIVED

Mr. Peter Garland  
State Board of Education  
333 Market St.  
Harrisburg, Pa. 17126-30204

Dear Mr. Garland,

I am writing to you about proposed Chapter 16 changes in the Pennsylvania Bulletin. I am concerned first of all by the very short time frame for response to these new regulations. Even more importantly I am very concerned that the proposed regulations would have the effect of dismantling gifted programs since there is no legal mandate in Chapter 16 for the program and no mechanism provided for monitoring compliance with mandated regulations. Further it appears that funding would be reduced. My children benefited greatly from the gifted programs of the Pittsburgh Public Schools. Gifted programs are of great benefit to minority students, and they help to strengthen the appeal to the public schools to many who would not otherwise opt for the public schools. It never ceases to amaze me that as a society we don't hesitate to provide for gifted athletes and yet the gifted programs for high achieving students, which have been very successful, are always under attack. I hope that the new regulations can be rewritten with the same legal, compliance, and funding safeguards as the old regulations. Please reply to my letter.

Sincerely,



Phyllis Ochs

cc Allyson W. Schwartz

Ronald R. Cowell

James Rhoades

October 25, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

ORIGINAL: 1986  
No copies per KTD

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OCT 29 1998

PA. STATE BOARD  
OF EDUCATION

98 NOV -6 AM 9:28

RECEIVED

Dear Mr. Garland.

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on children, who are currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free and appropriate education is not addressed at all in the document

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education funding in the state. Funding for all of special education is a constant source of concern in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget

A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "**creatively**" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size needs to be continued in this Chapter.

Assurances need to be provided to parents and advocates of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,



Robert G. Nelms  
328 Oakville Dr. / 2A  
Pittsburgh, PA 15220  
(412) 921-7683

cc: Hon. A. Schwartz, Hon. R. Cowell, Hon. J. Rhoades, Hon. J. Stairs



October 25, 1998

ORIGINAL: 1986  
FORM LETTER

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

RECEIVED

OCT 28 1998

RECEIVED  
OFFICE OF THE  
SECRETARY OF EDUCATION

Dear Mr. Garland.

I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on my child, who is currently enrolled in the gifted program in the North Hills School District. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

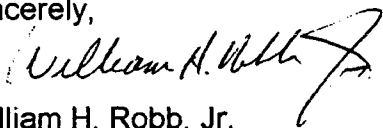
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A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "**creatively**" interpret case load to the destruction of our currently successful gifted programs here in the North Hills. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size needs to be continued in this Chapter.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,



William H. Robb, Jr.  
108 Kinsdale Drive  
Pittsburgh, PA 15237

cc: Hon. A. Schwartz, Hon. R. Cowell, Hon. J. Rhoades, Hon. J. Stairs

October 25, 1998

ORIGINAL: 1986  
No copies per KTD

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

1/20/98 10:50  
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PITTSBURGH CITY  
EDUCATION COMMISSION

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OCT 29 1998  
PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland,

Hello. I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the *Pennsylvania Bulletin*. Specifically, I am concerned about the potential impact this may have on me, and students like me, who are currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free, appropriate education is not addressed at all in the document.

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Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has potential to bring to gifted education in the state of Pennsylvania.

Thank you for your time.

Sincerely,  
Molly Kimelman  
Student in the Pittsburgh Public Schools' Gifted Program

6374

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OCT 29 1998

98 NOV -4 AM 9:25

PA STATE BOARD  
OF EDUCATION

REVIEW COMMISSION

Eri and Marvin Miller

208 Gladstone Road

Pittsburgh, PA 15217

October 25, 1998

ORIGINAL: 1986

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Dear Mr. Darland:

We are writing to you about the proposed Chapter 16 published on October 3, 1998 in the Pennsylvania Bulletin.

Specifically, we are concerned about the potential impact this may have on our children, who are both currently enrolled in the gifted program in the Pittsburgh Public Schools.

There are many questions left unanswered in this document that are of concern to parents of identified gifted students.

It appears the document is attempting to separate Gifted Education from Special Education in our State. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free, appropriate education is not addressed at all in the document.

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between special education funding and the cost of special education services by eliminating gifted education from the special education budget.

A third concern raised by Chapter 16 is the issue of class size - specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To learn that issue unaddressed in this document is to invite individual administrators to "creatively" interpret case law to the destruction of an currently successful gifted program here in the city. Specifically designed instruction cannot be provided in large groups. The restriction to individual class size need to be continued in this Chapter.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,

Dr. and Mrs. Eric Miller



# CRANBERRY AREA SCHOOL DISTRICT

"AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT"

3 Education Drive • Seneca, PA 16346

Telephone: 814-676-5628

FAX: 814-677-5728

RICHARD J. VARRATI  
District Superintendent

HENRY J. KARG  
Business Manager / Board Secretary

October 26, 1998

ORIGINAL: 1986  
FORM LETTER

Mr. Peter H Garland, Ph.D.  
Executive Director  
State Board of Education  
1st Floor, 333 Market St.  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

The purpose of this letter is to indicate that I support the proposed new Chapter 16 regulations as published in the Pennsylvania Bulletin of October 3, 1998.

Thank you for your attention to this matter.

Sincerely,

Mr. Nicholas Bodnar  
Principal

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OCT 28 1998

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OF EDUCATION

### MISSION STATEMENT

Our purpose, in partnership with the Community, is to provide the best resources to educate, prepare and inspire students to reach their greatest potential.

rr

JUNIOR/SENIOR HIGH SCHOOL  
John C. Irvine, Principal  
Eric W. Stennett, Asst. Prin.  
1 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8504  
FAX: 814-676-5156

ELEMENTARY SCHOOLS  
CRANBERRY & ROCKLAND  
Nicholas A. Bodnar, Prin.  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-1871  
FAX: 814-677-5728

ELEMENTARY SCHOOLS  
PINEGROVE, PINOAK, STEFFEE  
Donna M. Shelatree, Prin.  
3 Southwest Boulevard  
Oil City, PA 16301  
Phone: 814-676-0658  
FAX: 814-676-0659

CRANBERRY AREA SCHOOL DIST.  
SPECIAL PROGRAM SERVICES  
Edie Bickart, LEA  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8787  
FAX: 814-677-5728

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93 OCT 26 AM 9:20  
REVIEW DIVISION

10-13-98

NORTH PENN HIGH SCHOOL -

Dear Mr. Garland -

I feel very strongly that the rights of gifted students should not be taken away. IEPs for these students must continue. Please see the attached position paper regarding proposed regulations.

Thank you,  
Bette Jean  
Stratton

115 HEARTWOOD DR.  
LANSDALE, PA. 19446

19446

GIFTED RESOURCE - 1340 VALLEY FORGE ROAD - LANSDALE, PA.

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PA. STATE BOARD  
OF EDUCATION

# Warren County School District

Curwen Building • 185 Hospital Drive  
Warren, Pennsylvania 16365-4885  
Phone: 814-723-6900 • FAX: 814-723-4244

Dr. James T. Scarnati  
Superintendent

*Graduating Capable, Proud, Responsible Students*

October 23, 1998

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OCT 29 1998

STATE BOARD  
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GENERAL COMMISSIONER  
STATE BOARD OF EDUCATION  
HARRISBURG, PA

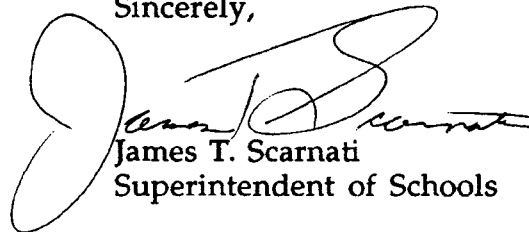
Dr. Peter H. Garland, Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, Pennsylvania 17126-0333

Dear Dr. Garland,

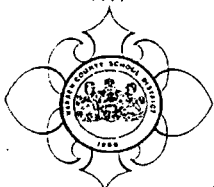
I want to express my approval of the release of Chapter 16 for the education of students who are intellectually gifted. We have been waiting a long time for this Chapter to be released. We want you to know that it has our approval. There is nothing in it that we can see that would undermine gifted education in Pennsylvania. While the requirements and protections are very much the same as when they were in Chapters 14-342, it is important that they be separated from special education laws and regulations consistent with federal laws.

If you have further need for comments, please do not hesitate to contact me.

Sincerely,

  
James T. Scarnati  
Superintendent of Schools

JTS/bbe  
xc: File



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Legal

October 23rd, 1998

76 Loretta Circle  
Richboro, PA 18954

Mr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Mr. Garland,

We are very concerned about the continuation of gifted education for our children. Currently, gifted education is protected under Chapter 14 as part of special education. The recently proposed Chapter 16 education reforms work against the gifted by separating their education from the protective umbrella of special education. Gifted children are children with special talents that can not be developed effectively if gifted education is eliminated. The Chapter 16 legislation would certainly lead to the end of gifted education.

Chapter 16 also does not specify class size. In our Council Rock district, Chapter 16 as proposed would lead to gifted classes as large as 26 students instead of the current 15. Not even our dedicated teachers can manage Individual Educational Plans for 26 students at the same time. Indeed, low quality, overcrowded gifted education is even worse than no gifted program at all!

We have two gifted children at Rolling Hills Elementary and observed the magic in that classroom 40 minutes every day. They are challenged by their teacher and peers to think harder, to work together and to harness their special talents productively. A talented teacher facilitates this activity with a lot of individual and small group interaction. What happens in a gifted classroom is quite miraculous and unique. And it happens because of the commitment of the people of Pennsylvania to supporting gifted education with small class sizes and dedicated resources.

Mr. Garland, please address these gifted education issues. Don't take our gifted education away.

Sincerely,

*Joel & Michele Greengard*

Joel and Michele Greengard  
215-357-3133

Copy:

Senator Joseph Conti  
Representative Roy Reinard  
The Honorable Jess M. Stairs  
The Honorable Ronald R. Cowell  
The Honorable Allyson Y. Schwartz  
The Honorable James J. Rhoades

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OCT 29 1998  
STATE BOARD OF EDUCATION  
REVIEW COMMISSION





**CAPITAL AREA  
INTERMEDIATE UNIT**

**Serving School Districts in Dauphin, Cumberland, Perry, and Northern York Counties**

School Programs and Services • 55 Miller Street • P.O. Box 489 • Summerdale, PA 17093-0489  
Phone 717-732-8400; Fax 717-732-8414; TDD 717-732-8422

8 October 1998

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Peter H. Garland, Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 8 1998  
PA. STATE BOARD  
OF EDUCATION

Dear Dr. Garland:

This letter is in response to the Notice of Proposed Rulemaking in Volume 28, Number 40 of the *Pennsylvania Bulletin* published on 3 October 1998. Please consider this letter as public comment regarding the State Board's proposal to delete gifted education provisions from 22 Pa. Code Chapters 14 and 342 and to add a new Chapter 16 (relating to gifted education).

I commend the State Board for its proposal to separate the regulatory protections for gifted students from the regulatory protections for children with disabilities under the federal Individuals with Disabilities Education Act. Chapter 16, as proposed, strikes a proper balance between necessary regulatory protections and maximum local control. While some public commentators may lament that the State Board has not gone far enough to reduce the regulatory mandates regarding gifted education, I encourage you not to lose sight of the most significant aspect of this proposed rulemaking: allowing more of the Commonwealth's already scarce resources to be used in providing a quality gifted education rather than be expended on unnecessary disability-specific mandates. I envision that Chapter 16 will evolve significantly from its eventual original final form. That is, as those with an interest in gifted education have an opportunity to implement Chapter 16, they will discover ways to make the regulations more customized to the needs of gifted students, less burdensome, and, ultimately, more effective in achieving the purpose articulated in proposed §16.2.

I support the State Board's efforts to reduce unnecessary regulations. Resources not expended on compliance with unnecessary regulations are resources which may be expended on providing services to gifted students. In particular, I support: 1) eliminating the prescriptive public awareness and screening requirements contained in current §§14.22-24 and 342.22-24; 2) limiting the number of times a parent may request an evaluation; 3) eliminating levels of intervention as a required component of educational placement; 4) eliminating class size restrictions; 5) eliminating a companion set of standards promulgated by the Department of Education; and, 6) eliminating the lengthy set of confidentiality requirements in favor of a reference to FERPA and Chapter 12.


I have two major suggestions to offer regarding proposed Chapter 16. First, under §16.23(a), I disagree that a reevaluation should be necessary prior to a change in educational placement. "Change in educational placement" is not defined within proposed Chapter 16; consequently, costly legal disputes could arise over what actually constitutes a "change in educational placement." Furthermore, the current requirement in Chapters 14 and 342 to reevaluate prior to a change in educational placement is a Pennsylvania-specific requirement, derived from the PARC decision, which exceeds the requirements of the federal Individuals with Disabilities Education Act.

Rather than require a reevaluation prior to a change in educational placement, it is reasonable to leave the responsibility for recommending changes in educational placement with the Gifted IEP (GIEP) team. If the GIEP team determines that it needs additional data in order to make a decision, it can recommend, under §16.23(a), that a reevaluation is necessary. In any event, if the GIEP team recommends a change in educational placement, the parents are due a notice under §16.61(a)(2) and therefore would be able to dispute the recommendation and invoke pendency under §16.61(b). No significant regulatory protections would be lost if §16.23 were reworded to eliminate the requirement that reevaluations be conducted prior to a change in educational placement.

Second, §16.62(4) seems to indicate that a notice of recommended assignment is necessary whenever a GIEP is completed. This is an unnecessary requirement, given that a GIEP may be completed which does **not** trigger the notice requirements under §16.61(a)(2). Consequently, §16.62(4) should be revised to indicate that it is referring **only** to GIEPs which constitute a proposal or refusal to change the educational placement or a proposal or refusal to make significant changes to the GIEP.

Thank you for this opportunity to provide the State Board with public comment regarding proposed Chapter 16. Please do not hesitate to contact me if you need clarification of any of my suggestions. I look forward to the promulgation of Chapter 16 as final rulemaking, and I encourage you to continue your efforts to reduce all unnecessary regulations affecting education in the Commonwealth of Pennsylvania.

Sincerely,



Richard E. Dale  
Director of Special Services

cc: James Warnock  
William W. Penn

Original: 1986

Beaver County Chapter  
Pennsylvania Association for Gifted Education

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2000 MAY 23 AM 8:38

REGULATORY  
REVIEW COMMISSION

May 16, 2000

Mr. John R. McGinley, Chairman  
IRRC  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Chairman McGinley:

The Beaver County PAGE is concerned that the proposed Chapter 16 new regulations for special education for gifted students need a few important additions in addition to protection from the Empowerment Act. We feel that while the regulations are recalled they should be looked at again for the following problems:

First, of course, is protection from waivers. We suggest a simple renaming of the chapter to Chapter 14 Part B or 2. We also suggest an amendment to the Empowerment Act removing 24 PA Code 13-1371 and 1372 from waivers.

Secondly, mentioning compliance in the Preamble does not codify this provision. As a mainly advocacy group, Beaver County PAGE hears numerous complaints from parents monthly. By far the largest portion of these complaints are regarding compliance. Usually having the parent merely mention the appropriate section of the current regulations solves the disagreement, because districts know that parents have recourse to Division of Compliance. They wish to avoid audits and the awarding of compensatory time, as happened to one district in the last few weeks following a parent complaint which we encouraged. We are concerned that removing compliance from the chapter will increase the likelihood of districts thumbing their noses at the regulations. No amount of letters or sections in the Preamble will legally protect recourse to compliance.

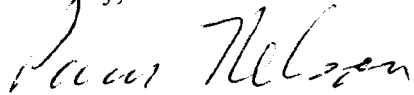
Thirdly, we are distressed at the lack of a provision for allowing accelerated students to use courses taken early or tested out of toward graduation requirements. This is called awarding "credit" under the Graduation Plan. While we understand the reluctance to use the word "credit" as in Carnegie Units, which does not appear in Chapter 4 Regulations, this word does not always have to be used in this context. One of the biggest compliance problems we hear regularly is that certain districts do not count courses that a student has taken early or testing out of a class. We have filed compliance complaints in the past over this and have used the results to end many recent problems without having to bring in a compliance officer. Merely telling parents they have to put this in the IEP does not assure that their children will be allowed to count these courses. At due process this will not hold up if it is not in the regulations.

Beaver County Chapter  
Pennsylvania Association for Gifted Education  
140 Silver Lake Lane  
Fombell, PA 16123

Finally, we ask for the return of language requiring parent conferences to be held at a time and place where working parents who cannot get time off may attend. A ten day notice is simply not assurance that a parent is able to attend a meeting held during school hours. There needs to be some agreement with the parent, not merely notification.

We thank you for recalling Chapter 16 and hope you will reconsider these few points for changing the Chapter to reflect what is current regulation.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Nelson".

Pamela Nelson, Advocacy Chair  
Beaver County PAGE  
140 Silver Lake Lane  
Fombell, PA 16123  
724-452-6720

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Legal The Honorable James J. Rhoades

Executive Director Senate of Pennsylvania

Education Committee

Senate Box 203029

Harrisburg, PA 17120-3029

October 21, 1998

Dr. Peter Garland  
State Board of Education Chairman  
333 Market Street  
Harrisburg, PA 17126-0333

The Honorable Allyson Y. Schwartz  
Senate of Pennsylvania  
Minority Chair, Education Committee  
Senate Box 203004  
Harrisburg, PA 17120-3004

The Honorable Ronald R. Cowell  
Pennsylvania House of Representatives  
Minority Chairman, House Education Committee  
House Post Office, Rm. 115 South Office Bldg.  
Harrisburg, PA 17120-2020

The Honorable Jim Gerlach  
[jgerlach@pasen.gov](mailto:jgerlach@pasen.gov)  
1230 Pottstown Pike, Ste 4  
Glenmoore, PA 19343

The Honorable Jess M. Stairs  
Pennsylvania House of Representatives  
Chairman, House Education Committee  
House Post Office, Main Capitol Bldg  
Harrisburg, PA 17120

The Honorable Curt Schroder  
[cschrode@pahousegop.com](mailto:cschrode@pahousegop.com)  
311 Gordon Drive  
Exton, PA 19341

Dear Dr. Garland and Honorable Legislators,

Please do not allow the current Chapter 16 for gifted education to become Pennsylvania law!

This new legislation is a misguided attempt to separate gifted education from special education. Pennsylvania is currently held up as an example for both state and national gifted education legislation. Pending Chapter 16 legislation would move Pennsylvania from being a leader in the education of gifted children, and move us to join the ranks of states who don't care about educating their gifted students.

Specifically, Chapter 16 removes Gifted Education from Special Education, thereby all Special Education protections, including compliance monitoring, class size limits of 25 students, and caseload limits of 75 students. A simple change in the wording of Chapter 16, from "Gifted Education" to "Special Education for Gifted Students" would at least allow these unique children these protections under the law.

Chapter 16 does not specify "appropriate level of intervention at which the student performs successfully," thereby allowing schools to place a gifted education student in any class, at any level, without regard for their educational level and abilities. Nor does Chapter 16 include wording to "provide curricula and opportunities to participate in programs which include higher level thinking skills, advanced content acceleration and enrichment as appropriate for the students' needs." Without such wording, gifted students have no guarantee to learn anything in their classrooms in Pennsylvania schools, and with no means of appeal.

Under the current wording of Chapter 16, appropriate education for gifted students would become subject to district and principal whims. From our experience in the Coatesville and Downingtown districts, those whims lean towards providing no learning whatsoever for gifted students, instead using them only as role models, unpaid student teachers, and standardized test "ringers."

Without the protection of the current state law, which we have been forced to use once in each district, our child would not be permitted the opportunity to learn in the Pennsylvania school system.

Please don't let this happen to our child, and many other gifted children, here in Pennsylvania! Thanks!

RECEIVED

OCT 22 1998

PA STATE BOARD  
OF EDUCATION

Sincerely,

  
Carolyn J. Kottmeyer

506 Dublin Drive  
Downingtown, PA 19335  
(610) 524-8742

cc: PAGE

  
Mark D. Kottmeyer

1004 Delaware Avenue  
Havertown, Pa 19083-3820  
October 13, 1998

98 OCT 26 AM 9:20

Mr. Peter H. Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 16 1998

PA STATE BOARD  
OF EDUCATION

Dear Mr. Garland:

We strongly support the additions and clarifications contained in the Position Paper prepared by PAGE to Chapter 16. Each one of these suggestions is vitally important to the education of gifted students in Pennsylvania.

Unless the State Board clarifies and provides visible boundaries to the special education services mandated for gifted students, many school districts will not provide the needed educational programs. I was told by a guidance counselor that I was the only parent who wanted an update to my daughter's two year old I.E.P. . I do not believe this is in the spirit of the current law.

Education is constantly being bombarded for not meeting testing ranges as a measure for attaining educational goals. Unless gifted students are nurtured and guided toward a meaningful education, the test scores will not skew upward – thus leaving Pennsylvania in the low test score range. Unless Pennsylvania can provide a work force competent to meet developing technology needs by companies, they will leave our state. This translates to fewer jobs, economic development and a deeper entrenchment of companies into the South – eroding our tax base and placing a burden on our social services.

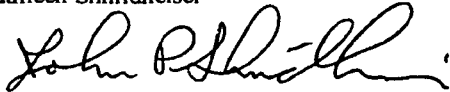
Please give serious thought and include these suggestions into Chapter 16. "A mind is a terrible thing to waste."

Thank you for your suggestions to this matter.

Sincerely,



Kathleen Shmidheiser



John P. Shmidheiser

Cc: File

93 OCT 26 AM 9:20

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HARRISBURG

Shawn & Jodi Clark  
3408 Windy Hill Drive  
Lower Burrell, PA 15068

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October 21, 1998

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Mr. Peter H. Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

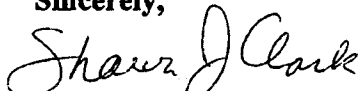
We are writing to express interest in the Chapter 16 "Pennsylvania Special Education for the Gifted" published October 3, 1998.

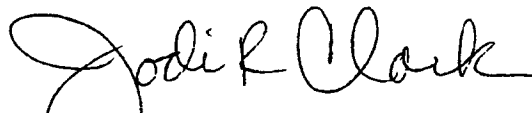
As parents of a gifted child, citizens, and voters in Pennsylvania, we are deeply concerned that our state be a leader in this area. We need to be certain that the Chapter 16 intent and wording will continue to support the needs of gifted children and require their school districts to provide education that fully meets their needs.

We therefore support the changes which the Pennsylvania Association for Gifted Education has proposed to strengthen this chapter. A strong structure underlying gifted education in our state will allow us to proceed with this important venture. We trust that your concern for education will lead you to the same conclusion.

Thank you for your attention, interest and service in this matter.

Sincerely,

  
Shawn J. Clark

  
Jodi R. Clark



98 OCT 26 AM 9:20

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1500 ...  
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Mr. Peter H. Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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Oct. 21, 1998

Dear Mr. Garland:

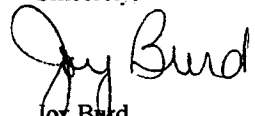
I am writing to express interest and support in Chapter 16 "Pennsylvania Special Education for the Gifted" published Oct. 3, 1998.

**I support the changes which the Pennsylvania Association for Gifted Education has proposed to strengthen Chapter 16.** A strong structure underlying gifted education in our state will allow us to develop the gifts of our children. I trust that your concern for education will lead you to the same conclusion.

As a parent of two gifted children, citizen and voter in Pennsylvania, I am deeply concerned that our state be a leader in this area of education. We need to be certain that the Chapter 16 intent and wording will continue to support the needs of gifted children and require their school districts to provide education that fully meets their needs.

Thank you for your attention, interest and service in this matter.

Sincerely,



Jay Burd  
445 Dutchman Run Road  
Lower Burrell, PA 15068  
724-339-7634

99101-0 11 0:59  
UNDER CONSIDERATION  
REVIEW COMMISSION

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5412 Guarino Road  
Pittsburgh, PA 15217  
October 26, 1998

Mr. Peter Garland  
Executive Director, State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

I am a teacher of academically gifted students in the Pittsburgh Public Schools. I am also the parent of two children who participated in the gifted program in the Pittsburgh Schools. As you can imagine, I am writing to you about the proposed Chapter 16 about which I have grave misgivings. Specifically, I am concerned about the possible negative ramifications of the proposals on the gifted students in my classroom.

It appears to me that the proposed Chapter 16 is attempting to separate gifted education from other forms of special education in the state. Nowhere in the document does it guarantee the right of academically gifted students to a free education that is appropriate to their special needs. Additionally, there is no guarantee that funding for gifted education will continue to come from the special education funds provided by the state. Over the years, I have watched state funding for gifted education shrink and shrink as regular education budgets have had to shoulder more and more of the costs of special education. Pittsburgh is a school district facing serious budget deficits and a declining tax base. We absolutely must have a strong commitment from Harrisburg to service the needs of special education children in our district, including the gifted. The state should not try to reduce the cost of special education by eliminating gifted education from the special education budget. Another concern raised by Chapter 16 is that of class size. As a teacher of gifted students, there is no question that the number of students in the class has a major impact on the quality of education in the classroom. Small group projects, seminar-style discussions and essay writing are only a few of the activities that are severely hampered when class sizes rise above 20. I have witnessed the kind of "games" that our district has played with my gifted classes when individual class size limits are not explicitly defined in the state regulations. These class size restrictions must be clearly stated in the proposed Chapter 16.

These gifted students will largely determine the future leadership of Pennsylvania, socially, politically, and economically. We must make certain that they receive the best possible education, tailored to the specific needs of academically talented students.

Sincerely,  
*Rosalyn Sherman*  
Mrs. Rosalyn Sherman

cc: The Honorable James J. Rhoades

WILLIAM R. and AMY W. CARROLL  
407 West Catherine Street  
Somerset, PA 15501  
October 26, 1998

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Dr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Re: Proposed Changes to Chapter 16 of 22 Pa. Code -  
Gifted Education

Dear Dr. Garland:

We are the parents of four children who attend the Somerset Area Schools, here in Somerset County. At this point, the oldest is in 11th Grade and the youngest is in Kindergarten, with the older three having been identified as gifted and participating in the various programs of the Somerset Area School District for gifted students.

We have become aware of proposed changes of the Chapter 16 regulations, which we believe will decrease the rights of gifted students, and will allow school districts to avoid some of the procedural safeguards and even some of the material benefits offered to gifted students.

In particular, we have a general fear that the tone and tenor of the regulations, which apparently intend to remove gifted education from "special education" will allow a "watering-down" of the measurement and enforceable standards for gifted programs.

We believe that this ties into the changing of the monitoring standards. We suggest to you that it is appropriate to continue the inclusion of gifted students within the tracking system used to monitor a school district's compliance with special education in general. Many times, the individual parent lacks the knowledge and assets by which they may "fight" the local school district, and reliance must be made upon the Pennsylvania Department of Education for assistance and advice. If the monitoring requirement is changed, as it is being proposed, a parent apparently will no longer have the right to contact PDE with complaints, which would leave many parents with no remedy.

We also have a concern about what is apparently noted as a "fiscal benefit" to school districts, by the elimination of the required evaluation every two years. It has been our observation that a re-evaluation is necessary, because there are occasions wherein it appears that the student can simply be "placed" in the program, and then never thought of again. The requirement for the re-evaluation in our opinions, does mandate the school district to review the individual needs of each student, and to design the educational

Dr. Peter Garland  
Page 2  
October 26, 1998

program for the gifted student. We believe that the re-evaluation should not be eliminated.

We do not want to make this letter "run on." We do wish to state our concern that monitoring is essential because it is very easy for a district to delay the placement of a child in the program, and then simply to have the child placed in the program, with no substantial monitoring of exactly what is being done to that child once he is "identified." In other words, the mere identification of a child as gifted is not sufficient. There must be monitoring of how the school districts will provide the appropriate program for the individual students. We believe this can only be done by requiring the monitoring of compliance and by requiring the re-evaluations. Without the "fear" of monitoring by the PDE, it is our fear the school districts will simply make efforts to eliminate the program, as individual parents do not have the assets to follow through with what ought to be doing. For that reason, we believe that the continuing of the monitoring is perhaps the most important point which must be reviewed in the proposed regulations.

I thank you for your attention.

Very truly yours,

  
William R. Carroll

Amy W. Carroll

WRC:awc

pc: The Honorable James J. Rhoades  
Senate Education Committee Chairman

The Honorable Allyson Y. Schwartz  
Senate Education Committee Minority Chairman

The Honorable Ronald R. Cowell  
House Education Committee Minority Chairman

The Honorable Jess M. Stairs  
House Education Committee Chairman

Dr. Peter Garland  
Page 3  
October 26, 1998

The Honorable William R. Lloyd, Jr.  
69th Legislative District

The Honorable Richard A. Kasunic  
32nd Senatorial District

PAGE, Inc.

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Oct. 26, 1998

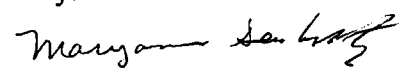
Dr. Peter Farland  
Executive Director  
State Board of Education  
333 Market St.  
Harrisburg, PA 17126-0333

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Dear Dr. Garland:

This letter is to inform you that as a gifted support teacher I support the Chapter 16 Regulations. These changes will help to eliminate unnecessary paperwork. It is important that gifted be removed from special education. I do not feel that the proposed changes will cause any change in the program that I teach.

Maryann Seesholtz



Central Columbia  
Middle School  
Gifted Support



# CRANBERRY AREA SCHOOL DISTRICT

"AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT"

3 Education Drive • Seneca, PA 16346

Telephone: 814-676-5628  
FAX: 814-677-5728

RICHARD J. VARRATI  
District Superintendent

HENRY J. KARG  
Business Manager / Board Secretary

October 26, 1998

Mr. Peter H Garland, Ph.D.  
Executive Director  
State Board of Education  
1st Floor, 333 Market St.  
Harrisburg, PA 17126-0333

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FORM LETTER 5

Dear Mr. Garland:

The purpose of this letter is to indicate that I support the proposed new Chapter 16 regulations as published in the Pennsylvania Bulletin of October 3, 1998.

Thank you for your attention to this matter.

Sincerely,

Mrs. Donna Shelatree  
Supervisor of Curriculum & Instruction

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### MISSION STATEMENT

Our purpose, in partnership with the Community, is to provide the best resources to educate, prepare and inspire students to reach their greatest potential.

rr

JUNIOR/SENIOR HIGH SCHOOL  
John C. Irvine, Principal  
Eric W. Stennett, Asst. Prin.  
1 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8504  
FAX: 814-676-5156

ELEMENTARY SCHOOLS  
CRANBERRY & ROCKLAND  
Nicholas A. Bodnar, Prin.  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-1871  
FAX: 814-677-5728

ELEMENTARY SCHOOLS  
PINEGROVE, PINOAK, STEFFEE  
Donna M. Shelatree, Prin.  
3 Southwest Boulevard  
Oil City, PA 16301  
Phone: 814-676-0658  
FAX: 814-676-0659

CRANBERRY AREA SCHOOL DIST.  
SPECIAL PROGRAM SERVICES  
Edie Bickart, LEA  
3 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8787  
FAX: 814-677-5728

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Oct 26, 1998

Mr Peter Garland, Exec Director  
State Board of Education  
333 Market St  
Harrisburg, Pa 17126

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OCT 29 1998

PA. STATE BOARD  
OF EDUCATION

Dear Mr Garland:

I am concerned about the proposed Chapter 16 and how it may affect my child, who is currently enrolled in the gifted program in the Pittsburgh public schools. I am afraid that funding for gifted programs may be reduced or dropped from state special education funding in the state. The document should retain the language concerning the rights of gifted students to free and appropriate education. The importance of limiting class size should also be addressed.

Carolyn and Frank Schwarz  
1938 Wightman St.  
Pittsburgh, Pa 15217

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HOEFLER INDEPENDENT  
REVIEW COMMISSION

Ruth Peretich  
3927 Laurel Oak Circle  
Murrysville, Pa. 15668  
October 26, 1998

Dr. Peter Garland  
Executive Director  
State Board of Education  
333Market St.  
Harrisburg, Pa. 17126-0333

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OCT 29 1998

PA. STATE BOARD  
OF EDUCATION

Dear Dr. Garland,

The new proposed Pa. State Board Chapter 16 Regulations disturb me. As a parent of three gifted children, I feel compelled to voice my opinion on these regulations.

I'm sure you have heard from PAGE and are aware of their concerns and suggestions. I won't take up your time by reiterating PAGE's Chapter 16 Position Paper. Please listen to them as I add my voice to theirs.

In our school district, it is hard enough to battle IEP compliance and reduced gifted programs without these new proposals. The impression I get is that the gifted child id too much trouble to educate instead of being heralded as the future of this planet.

We want to be sure "education for the gifted" remains part of "Special Education". We need state support for appropriate gifted curriculum. Caseloads need to be clarified. Currently, in our district, we have one gifted coordinator in the Junior High school for well over 200 students. The same is true for the Senior High. What are the chances my children can get what they need!

Please do what you can to ensure our gifted children get what they need. They Are worth the trouble.

Sincerely,



Ruth Peretich



Wyoming Valley West  
Brian Pavlac, President  
PAGE, WVW Affiliate  
365 Rutter Ave  
Kingston, PA 18704

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OF EDUCATION

October 26, 1998

Dr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

Dear Dr. Garland:

I have recently heard about proposed changes in Chapter 16 Regulations, which seem to threaten Gifted Education. First, separating Gifted from Special Education will weaken the rights and ability of parents to get the most appropriate education for their children. Second, the proposed regulations weaken the ability of parents and teachers to maintain high standards of quality. Third, the proposed regulations lack a proper system for monitoring the implementation and success of gifted programs. Fourth, the Fiscal Note suggests these new regulations will result in significant savings to school districts, but nowhere specifies those savings. As it is, too many school boards are inclined to sacrifice gifted programs to other non-academic interests.

Would you please reply to these concerns? How do these proposed regulations really help improve education for our students?

My two daughters participated in our local gifted program. They greatly benefited from the specialized instruction they received. We oppose these regulations in their current form, since they might destroy what success gifted education has managed to attain in Pennsylvania. Please consider the concerns of PAGE and parents of gifted children as you formulate and implement these new regulations. Strong gifted education programs will continue to improve Pennsylvania public education, which benefits all its citizens.

Yours,  


Brian A. Pavlac, Ph.D.

cc: Hon. Phyllis Mundy  
Hon. Charles Lemmond  
Hon. James J. Rhoades  
Hon. Allyson Y Schwartz  
Hon. Ronald R. Cowell  
Hon. Jess M. Stairs

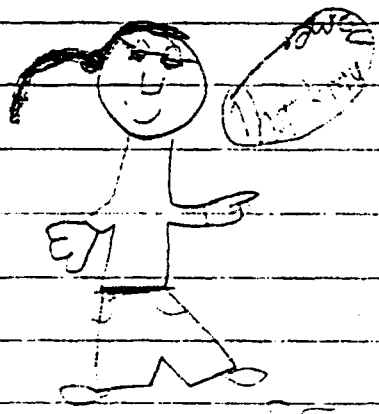
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CENTRE

1000-5 11:20  
1000-5 11:20

Oct. 26, 86

Dear to whom ever it may concern,  
This is a kid speaking up.  
You can't take away the  
gifted program. I was ahead  
of my class on about what criteria  
means (the way all of Governor  
Squaire knows by now.) Please  
I'm begging you not to do it.  
You don't know how many  
would be in <sup>their</sup> regular  
classrooms. Even kids who don't  
go to gifted, that's unfair.



Please don't  
Adrianna P...  
2019 Spring Valley Rd  
Lansdale 19446

1500-5 11:20

930 Greenfield Avenue  
Pittsburgh, PA 15217  
October 26, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 26 1998

PA. STATE BOARD  
OF EDUCATION

Dear Mr. Garland:

I am writing to express my concerns about the proposed changes published in the October 3, 1998 Pennsylvania Bulletin. I am the parent of a gifted student who attends the Pittsburgh Public Schools gifted program.

It appears the document is attempting to separate gifted education from special education in our state. The gifted students are in need of special education. The gifted students has educational needs that are exceptional as does each of the other classification of special education students. Exceptional includes both ends of the spectrum. I would like to be assured that my gifted child will retain his right to a free and APPROPRIATE education. I'm not sure I see that assurance in this document.

As a tax payer, I appreciate the efforts of the State to use tax dollars appropriately. But, we should not try to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget. Separating gifted students from special education would permit this to happen.

I am concerned about the class size issue raised by Chapter 16. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. Specifically designed instruction cannot effectively be provided in large groups.

I feel the education of the gifted is often ignored in the education system. The very slow or handicapped learners receive much focus because they are visible and have a strong advocacy. The gifted student is able to do the basic curriculum and their needs for education gets ignored. With the large class sizes, teacher has to focus on teaching at the middle range and on getting the low end learners to learn the basic curriculum. What time is left to ensure the gifted learner is getting the challenge needed for their development

The gifted program offered in the Pittsburgh Public Schools is excellent. My son loves attending that program. Much of the regular classroom work he finds boring. I would hate to see a child with so much potential end up not enjoying school and not applying himself. If he is not challenged, it could very well happen. The gifted program is needed very much for his education. If Pennsylvania wants to move forward and be a leader in education. The regulations should be strengthened for special education of the gifted not weakened. Removing the gifted category from the special education protection give district the opportunity to find ways to dilute and eventually eliminate a very important component of the educational programming in the Commonwealth.

Thank you for the opportunity to comment on the proposed changes. I would appreciate being keep informed about this issue.

Sincerely,



Barbara Misechok



# CRANBERRY AREA SCHOOL DISTRICT

"AN EQUAL RIGHTS AND OPPORTUNITY SCHOOL DISTRICT"

3 Education Drive • Seneca, PA 16346

Telephone: 814-676-5628

FAX: 814-677-5728

RICHARD J. VARRATI  
District Superintendent

HENRY J. KARG  
Business Manager / Board Secretary

October 26, 1998

ORIGINAL: 1986  
FORM LETTER

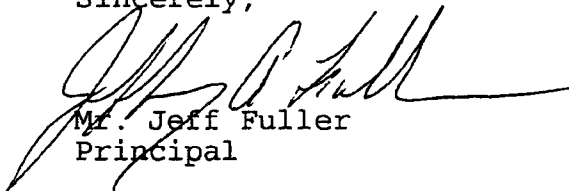
Mr. Peter H Garland, Ph.D.  
Executive Director  
State Board of Education  
1st Floor, 333 Market St.  
Harrisburg, PA 17126-0333

Dear Mr. Garland:

The purpose of this letter is to indicate that I support the proposed new Chapter 16 regulations as published in the Pennsylvania Bulletin of October 3, 1998.

Thank you for your attention to this matter.

Sincerely,

  
Mr. Jeff Fuller  
Principal

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PA STATE BOARD  
OF EDUCATION

NOV 10 1998  
10:00 AM  
1000 N. MARKET ST.  
HARRISBURG, PA 17102

### MISSION STATEMENT

Our purpose, in partnership with the Community, is to provide the best resources to educate, prepare and inspire students to reach their greatest potential.

rr

JUNIOR/SENIOR HIGH SCHOOL  
John C. Irvine, Principal  
Eric W. Stennett, Asst. Prin.  
1 Education Drive  
Seneca, PA 16346  
Phone: 814-676-8504  
FAX: 814-676-5156

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Donna M. Shelatree, Prin.  
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Oil City, PA 16301  
Phone: 814-676-0658  
FAX: 814-676-0659

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EDUCATION



October 26, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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Dear Mr. Garland:

I am the parent of a child in the CAS Program at Taylor Allderdice High School. This is an excellent program for gifted students. I am very concerned about maintaining the quality of the gifted programs in the Pittsburgh Public Schools. I have recently been made aware of the proposed Chapter 16 published on October 3, 1998 in the Pennsylvania Bulletin. Specifically, there are three areas of concern that I would like to bring to your attention.

It appears that Chapter 16 is attempting to separate Gifted Education from Special Education in Pennsylvania. I am concerned because the question of retaining the rights of gifted students to a free, appropriate education is not addressed in the document.

Secondly, it is unclear if the funding for special programs for the gifted will continue to come from special education funding in Pennsylvania. As a parent, I am concerned that this will place a larger burden on regular education budgets and eventually decrease the funding needed for education of gifted students.

Finally, I am concerned about the issue of class size. It is very important to clearly state specific guidelines that limit individual class sizes. Unfortunately, if this issue is not addressed, individual administrators will "creatively" interpret case load to increase class size of the gifted classes. The restrictions to individual class size need to be continued in this Chapter.

In conclusion, I want to express my concern that we continue to provide education of the highest quality to the gifted students of Pennsylvania. These students hold the future of Pennsylvania and our nation in their hands.

Sincerely yours,

A handwritten signature in cursive script that reads "Lyn Silverman".

Lyn Silverman, M.Ed., OTR/L

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GENERAL COMMISSION  
OCT 26 1998

Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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OCT 28 1998  
STATE BOARD  
OF EDUCATION

October 26, 1998

Dear Mr. Garland,

I am writing to you in regards to the Pennsylvania State Board Chapter 16 Regulations that were published on October 3, 1998. As a parent of two children, who are in the gifted program in the North Penn School District, I am very concerned that Chapter 16 will have an adverse effect on the quality of education that my children will receive.

I am very concerned about separating Gifted Education from Special Education. Your reasoning is that many of the state-mandated regulations for Special Education really are not necessary for the proper education of gifted students. In today's society, it seems that everyone wants to cut costs. I am afraid that if these state mandates are no longer enforced, school districts will use this as an excuse to take money away from the budgets allotted for gifted education. The majority of the North Penn School Board is comprised of members who were endorsed by taxpayer groups. They were elected because they promised to keep taxes down. Many cost-cutting measures are implemented which have proven to be detrimental to the quality of education that students in the district are receiving. Separating gifted education from Special Education may give school boards more flexibility in the implementation of programs, but I feel that this change will be seen as an opportunity to simply water down the program and only support the minimum requirements.

I am very concerned that there will no longer be guidelines for class-size. My son is in middle school and has had a wonderful experience due to the Interdis program that we have with English, Science, and Social Studies. He has participated in many projects, and field trips which would not have been possible if his class size was not limited to 15 students. Everyone is talking about the "Dumbing Down of America" these days. If class size will continue to be limited for Special Education students, why not continue to limit class size for gifted education? Lets not "Dumb Down America" by taking away one opportunity to really work closely with our gifted students. I implore you to continue to mandate class size. Everyone knows that if a district increases class size, it will need fewer teachers which in turn will save the district money. What district will not seize this opportunity to cut costs by increasing the class size of our brightest students? One of President Clinton's goals is to reduce class-size nationwide. Why then does the PDE want to take away the state mandates limiting class-size for gifted students?

I am also feel that ongoing monitoring of gifted programs should be enforced and that a school district should be held accountable for its gifted education services and programs.

Please consider the concerns that I have expressed. I would appreciate a reply. What are your feelings about Chapter 16? Do you honestly believe that these changes will not have an adverse effect on the quality of gifted education in Pennsylvania?

Sincerely,



Clare Tobias  
1161 Canterbury Drive  
Lansdale, PA 19446

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OCT 23 1998  
PA. STATE BOARD  
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Dear *Mr. Rhoades,*

I am writing to express interest in the Chapter 16 "**Pennsylvania Special Education for the Gifted**" published October 3, 1998.

As a parent of a gifted child, citizen and voter in Pennsylvania I am deeply concerned that our state be a leader in this area. We need to be certain that the Chapter 16 intent and wording will continue to support the needs of gifted children and require their school districts to provide education that fully meets their needs.

I therefore **support the changes which the Pennsylvania Association for Gifted Education has proposed** to strengthen this chapter. A strong structure underlying gifted education in our state will allow us to proceed with this important venture. I trust that your concern for education will lead you to the same conclusion.

Thank you for your attention, interest and service in this matter.

Sincerely,

*John F. Grubb*  
*3114 Wentworth Dr.*  
*Lower Merion, PA*

October 27, 1998  
115 Pine Crest Drive  
Denver, PA 17517

Dr. Peter Garland, Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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PA. STATE BOARD OF  
EDUCATION

Re: Chapter 16

This letter is in response to the proposed Pennsylvania State Board Chapter 16 Regulations. I would like to respond to two points, based on my 22 years as a teacher of gifted youngsters.

16.21 (c): Concern - districts have the discretion to develop their own screening and evaluation procedures. The lack of uniformity in screening and evaluation results in students being found gifted in one school district but not the next. I have encountered move-ins with current IEPs who came from the upper 5% of their school's population. These students demonstrate lower abilities than the enrolled students in the receiving district who have been selected from the upper 2% of their school's population. Clearly delineated procedures would allow the GMDE team to address basic skill levels and rates of retention and acquisition.

16.41: Concern - "provisions...which do not require...categorical grouping of students." Given the inconsistencies mentioned above and the freedom suggested by this wording, I envision a scenario in which a district has no gifted students needing any educational support other than enrichment in the regular classroom. The extent to which classroom teachers provide such opportunities is disheartening. We will lose students to the boredom of inappropriately challenging curriculum. I strongly suggest the inclusion of "placement by level of intervention" based on a student's degree of need. Crucial to this determination should be the mandated presence of a teacher of the gifted on the IEP team [16.32 (c) (3)].

I have seen the benefit the "Special Ed" designation has brought to gifted children in the Commonwealth. PDE should establish administrative procedures which maintain quality while monitoring the accountability of special education services and programs provided by school districts. I am awaiting your reply on these issues.

Respectfully,  
Marilyn McCormack

October 27, 1998

14 Averstone Drive East  
Washington Crossing, PA 18977

Mr. Peter Garland  
Bureau of Special Education  
Commonwealth of Pennsylvania  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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Dear Mr. Garland,

I am writing to support Chapter 14 and it's inclusion and provision of education for gifted children. I believe that Chapter 16 will not provide gifted students with the education they need to fully meet their potential. As it is now gifted students receive only 2 or 3 hours of classroom time per week, this is not even enough, decreasing this amount of time would destroy the program completely.

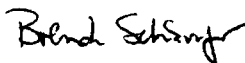
The issue of gifted education is especially important here because of the very large class sizes in our school district. In Council Rock it is not unusual to have 25 students in a kindergarten class or 30 in first grade or 32-34 in 5<sup>th</sup> grade. My children did progressively worse during the school year as their classes became larger and larger.

The humanities class work allowed my child to explore topics thoroughly to his full potential. The teacher had time to fully explain things and have problems worked out by students by their own ingenuity. This type of setting helps him to learn to focus his attention, while the rather large regular classrooms can have a lot of distractions.

I respectfully request that either more specific wording be added to Chapter 16 providing and protecting gifted education, or that Chapter 14 remain in force.

Thank you for your assistance.

Sincerely,

  
Brenda Schlesinger  
(215) 321-4680

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INDEPENDENT EDUCATIONAL  
REVIEW COMMISSION

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PA. STATE BOARD  
OF EDUCATION

10/27/98 5:29 PM

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October 27, 1998

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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I am writing to you about the proposed Chapter 16 published on October 3, 1998, in the Pennsylvania Bulletin. Specifically, I am concerned about the potential impact this may have on my child, who is currently enrolled in the gifted program in the Pittsburgh Public Schools. There are many questions left unanswered in this document that of concern to parents of identified gifted students.

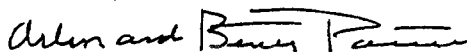
It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted students to a free, appropriate education is not addressed at all in the document.

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education finding in the state. Since funding formulas have changed, the regular education budgets have had to pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of the special education services by eliminating gifted education from the special education budget.

A third concern raised by Chapter 16 is the class size issue. Specific guidelines that limit individual class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to "creatively" interpret case load to the destruction of our currently successful gifted programs here in the city. Specially designed instruction cannot be provided in large groups. The restrictions to individual class size need to be continued in this Chapter.

Assurances need to be provide to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,



Arlin and Betsy Porter

October 27, 1998

98 NOV -6 AM 9:25

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REVIEW COMMISSION

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OCT 29 1998

PA. STATE BOARD  
OF EDUCATION

Mr. Peter Garland  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, Pa 17126-0333

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Dear Mr. Garland,

I am writing this in regards to the proposed Chapter 16 published on October 3, 1998, in the Pennsylvania Bulletin. Specifically, I am concerned about the potential impact this may have on my children, who are currently enrolled in the gifted program at Taylor-Allderdie H.S. in Pittsburgh. There are many questions left unanswered in this document that are of concern to me and other parents of gifted children.

It appears the document is attempting to separate Gifted Education from Special Education in our state. Even though there are assurances that case law already established will be honored, the question of retaining the rights of gifted student to a free, appropriate education is not addressed at all in the document.

In addition, there is no stated assurance, either in Chapter 16, the Preamble, or anywhere else to my knowledge, that the funding for special programs for the gifted will continue to come from special education funding in the state. Funding for all of special education is a constant source of concern in Pa. Since funding formulas have changed, the regular education budgets have had to

pay for more and more of the services provided to special education students. We must not attempt to reduce the deficit between special education funding and the cost of special education services by eliminating gifted education from the special education budget.

A third issue raised by Chapter 16 is the class size issue. Specific guidelines that limit specific class sizes, not just total class load, need to be clearly stated. To leave that issue unaddressed in this document is to invite individual administrators to 'creatively' interpret case load to the destruction of our currently successful gifted programs in this city. Specially designed instruction cannot be provided in large groups! The restrictions to individual class size need to be continued in this Chapter.

Assurances need to be provided to parents of gifted students on the three issues above before we can support the positive changes Chapter 16 has the potential to bring to gifted education in the state of Pennsylvania.

Sincerely,

Debra A. Peitzman  
andrew G. Peitz  
5506 Northumberland St.  
Pittsburgh, Pa. 15217