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From: Kaufman, Kim
Sent: Tuesday, September 16, 2008 6:28 AM
To: Gelnett, Wanda B.; Schalles, Scott R.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis; Emery, Heather; Outreach
Subject: Fw: IRRC #2635

"Final Comments"

----- Original Message -----
From: Kasgerb@aol.com <Kasgerb@aol.com>
To: Kaufman, Kim
Sent: Mon Sep 15 22:55:22 2008
Subject: Re: IRRC #2635

15 September 2008

Internal Regulatory Review Commission
333 Market Street
Harrisburg PA

Attn: Arthur Coccodrilli, Chair
Re: Final Regulation 6-307, Gifted Education (IRRC #2635)

Dear Chairman Coccodrilli:

I am writing to you as a concerned professional and parent. I hold two Master-level degrees in the field of Education and I am the parent of an identified gifted child attending public school in Peters Township. As a professional, I have devoted much time to researching best practices for Gifted Education and to gifted education practices in other states. As a parent, I have personal experience with experiences of gifted students and their parents in our public school system.

Having reviewed the proposed regulation and the comments made by the State Board of Education (BOE), I have several concerns about the regulation as presented. These concerns include:

* An apparent lack of awareness regarding negative common to gifted students and their parents (along with teachers, administrators)

This is evidenced by the BOE's following comments for failing to clarify key concepts within the regulation:

The Board received public comment requesting a definition of the term "present

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level of educational performance." This is a term of art that educators understand clearly and it is really self-explanatory. Therefore, this change was not made.

Annual goals and short-term learning objectives have been part of the gifted regulation for decades. Section 16.32(e) (2) stipulates that the GIEP must contain "a statement of annual goals and short-term learning outcomes which are responsive to the learning needs identified in the evaluation report." This is clearly understood by educators and parents and is unnecessary to define.

In my experience, both professional and personal, there is no consensus among the regulated community (teachers, students, parents, administrators) as to the meaning of "present levels of educational performance" or "annual goals and short-term learning objectives." In fact, when I discussed and provided the GIEP sample which appears on the PDE's website to a teacher, the teacher expressed surprise at seeing such a detailed document. This practicing "gifted facilitator" expressed the opinion that GIEPs are never so "specific"; that they are intentionally "vague." This is contraindicated by such language as "present levels of education, annual goals and short-term learning objectives" and "meaningful benefit."

To serve the regulated community properly, it is imperative that these terms be clearly defined.

* The revised regulation is dependent upon PDE devoting resources, including staffing

The Board commented:

The final form regulations also include new language requiring the department to create a complaint process that includes a process for parents or guardians to file complaints, for school districts to respond, an opportunity to reach an amicable resolution, the development of a corrective action plan, and enumeration of enforcement steps to be employed by the department if the district does not implement the corrective action plan.

It is my experience that compliance monitoring is underperformed and misunderstood. Administrators have cited "passing" a compliance monitoring process as evidence that they are in compliance with all aspects of Chapter 16, when in fact this is not the case. There seems to be no provision in the revised regulation to increase compliance monitoring and to establish a procedure that will be efficacious. There are 501 school districts in the State, with approximately 68,000 students. Compliance monitoring takes place in 10 districts, with only 10 students being reviewed each year. This particular regulated community is the single largest group of uniquely identified and protected students in the Commonwealth, yet there is no PDE staff dedicated solely to supervising and/or monitoring the programs which affect the community. It is not unreasonable to note the skepticism within the regulated community that PDE will develop a Compliance Monitoring program which adequately serves this community.

* There are inconsistencies within the proposed regulation itself

The regulations require further revision to clarify language and conclusions by the State Board of Education which are not supported by the rationale provided.

As an example, the commentary provided by SBOE states that the Gifted Multidisciplinary Team (GDMT) determines eligibility of the student for receiving gifted education services. Here is an excerpt from the comments:

The regulation clarifies that the GIEP team determines eligibility for Ch. 16 upon review of the written report of the Gifted Multidisciplinary Team.

However, the proposed regulation reads as follows:

Section 16.22(i) The GDMT shall determine eligibility as defined in 16.1 and 16.21

Clearly, this issue needs to be clarified for the benefit of the regulated community. SBOE needs to withdraw the regulation; revise it appropriately and resubmit it.

Further, the SBOE comments:

The final form regulation requires present education levels to be included in both the initial and all revisions to the GIEP. Additionally, the regulation adds a requirement that a teacher of the gifted be included on the GIEP team.

The term "teacher of the gifted" is not a defined position under Pennsylvania education regulation. Under Pennsylvania education regulation, teachers of the gifted need not have any experience teaching gifted students, nor need have any specific educational training in gifted education. The regulated community is underserved by this ambiguity of this term in the regulation.

* Lack of timeframe for reconvening a GIEP team meeting

The BOE commented as follows:

Public comments asked that Chapter 16 require a time period of 30 calendar days as the maximum time between the request for a GIEP meeting and the actual meeting. The Board decided not to make this change because this should be left to the discretion and schedules of those comprising the GIEP team. Section 16.32(g)(1) of the current regulation does require a GIEP to be developed within "30 calendar days after issuance of a GDMT's written report." Additionally, changes to Section 16.22 (gifted multidisciplinary evaluation) require the initial evaluation and a copy of the report be presented to parents no later than 60 calendar days after receiving written parental consent. These requirements provide sufficient assurance that a GIEP will be implemented.

This comment demonstrates a fundamental lack of understanding of the situation behind the

request for the timeframe. It is not uncommon for parents to request that the GIEP team reconvene to address educational progress or the lack of implementation of the GIEP. The key term is reconvene. SBOE apparently misses the difference between the initial evaluation, report and subsequent GIEP and the often common need to reconvene the GIEP team to address issues which arise in the course of implementation (or non-implementation) of the GIEP. Since there is no required timeframe, districts often deal with this request on a low priority basis. Consequently, it is not uncommon for parents to request a meeting in the fall, after school has begun and issues arise, only to have to wait until the winter or even spring prior to the meeting actually taking place. This would be avoided by the establishment of a clear, required timeframe.

These examples represent some of my concerns as a professional and as a parent. I believe that the regulated community will be better served by a more clearly defined regulation. Thus, I recommend that the Internal Regulatory Review Commission disapprove the proposed final regulation #6-307.

Truly,

Gigi Gerben, MS-Ed., MLIS

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