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**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

**2635**

**Chairman, Education Committee**  
**Intergovernmental Affairs Committee**

Caucuses

PA Higher Education Assistance Agency, Member  
Board of Directors

PA Historical and Museum Commission  
Black History Advisory Committee, Member

PA Legislative Black Caucus, Member

**November 1, 2007**

**Jim Buckheit, Executive Director**  
**State Board of Education**  
**333 Market Street**  
**Harrisburg, PA 17120**

**RE: Proposed Regulation #006-307(Special Education for Gifted Students)**

**Dear Mr. Buckheit:**

Pursuant to Section 5 of Act 181, known as the Regulatory Review Act, the House Education Committee held a hearing on October 4, 2007 to review the proposed Chapter 16 regulation.

On October 31, 2007, the committee voted to send comments to the State Board of Education regarding this proposed regulation. Attached for your review and consideration are those comments.

The committee and its staff greatly appreciate many of the other issues addressed by the Board and the effort which went into the proposed changes. We compliment the Board members and its staff for their hard work and look forward to working with them in their effort to improve Chapter 16.

Sincerely,

A handwritten signature in black ink that reads "James R. Roebuck".

**James R. Roebuck, Chairman**  
**House Education Committee**

**JRR/st**

**cc: Mr. Arthur Coccodrilli, Chair, Independent Regulatory Review Commission**  
**House Education Committee Members**  
**Honorable James Rhoades, Chairman- Senate Education Committee**

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## Chapter 16: Gifted Education Regulations

### Proposed Regulatory Changes

*The House of Representatives Education Committee respectfully submits the following suggestions to the State Board of Education concerning the proposed changes to the aforementioned regulations and asks for due consideration of the recommendations.*

#### §16.1 Definitions (Gifted Individualized Education PROGRAM vs. Gifted Individualized Education PLAN)

The practice of school districts treating gifted education programs as group-based can be remedied by requiring GIEP teams to talk about a student's "plan" and then determine to what extent the districts existing programs fulfill the needs described by the plan. It is recommended that the term GIEP be defined and referred to as the Gifted Individualized Education Plan.

#### §16.2 Purpose (Parent Advisory Board)

It is suggested that a parent advisory board is formed to work with the PDE and the Board of State Education to assist other parents and schools in developing and implementing programs that work for gifted students.

#### §16.6 General Supervision (Compliance Monitoring)

It is recommended that specific compliance monitoring language be implemented in these regulations and should state expectations and requirements for comprehensive compliance, and penalties for not doing so. The idea is to relieve parents of the burden of ensuring the implementation of Chapter 16. Currently the Department is conducting limited monitoring at a rate of 10 school districts per year, which would take 50 years to complete for all districts.

#### §16.21(d) Identification

It is recommended that the Department of Education consider adopting language to include students with an IQ score of 130 or higher OR multiple criteria to determine if a student is mentally gifted and therefore in need of an individualized gifted education program. It is recommended that gifted ability not be based on an IQ score alone but include research based educational criteria that strongly indicated gifted abilities. Also, it has been proposed to allow gifted students more flexibility in standardized testing by permitting a +/- 5 point range in test scores.

#### 16.32 GIEP (Graduation Planning)

It is recommended that a graduation plan be developed by the GIEP team at least three years prior to a student's expected graduation date. Many gifted students take high school classes in middle school and do not receive high school credit, and this has led to litigation. This measure would assure the completion of all necessary credits and that a student's needs have been met throughout the educational process.

#### §16.63. Impartial due process hearing (Complaint Procedure)

It is recommended that a complaint process should be established within the Department's Bureau of Special Education for parents or others to be able to file a complaint if a district refuses to offer a child an appropriate gifted education. Currently parents are only able to file for a due process hearing, which is a costly and lengthy process. This new process has the potential to result in substantial savings for the state, given that a complaint investigation is less expensive than a due process hearing.

#### §16.41 General (Teacher Caseloads/Class Roster)

The number of students on a full time gifted teacher's caseload should be lowered from 75 to 60. The term "full-time" should be included because many times teachers of gifted students are given other teaching/administrative duties. Also, language should be included that proportionally reduces the gifted education teacher's caseload for each regular classroom assignment the gifted teacher receives. It is recommended that the class rosters remain the same as currently in Chapter 16 at a maximum of 20 students.