

5 Brookside Circle  
St. Davids, PA 19087

# 2635

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February 11, 2008

2008 FEB 20 PM 1:24

JIM BUCKHEIT  
Executive Director  
STATE BOARD OF EDUCATION  
333 Market Street  
Harrisburg, PA 17126-0333

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Mr. Buckheit,

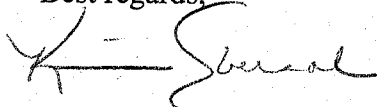
In Chapter 16, Pennsylvania's Board of Education recognizes the special educational needs of gifted learners. As the parent of an identified gifted learner, I've studied the Chapter with care for the past six years. My child's needs could be met reasonably, without excessive expense, as the Chapter currently exists. However, my district violates the Chapter regularly.

My son's school is and has been non-compliant with the necessary instructional levels, based on his PLEP (Present Levels of Educational Performance), as outlined in his GIEP. My husband and I have worked with the school district for the past six years. This has involved many meetings and discussions with them. This year we find again, that the school is not providing the appropriately leveled materials in differentiated regular education situations. This has resulted in boredom, behavior problems, and a total shut-down during class time. In short, gifted learners are being "left behind".

Parents have no recourse to correct these violations. As I have learned, the only recourse for my family would be to file for due process. To do this, I would have to hire an attorney and incur exorbitant expenses. What's more, due process would be completely unnecessary if the district followed the requirements of Chapter 16.

For these reasons, **I urge you to include an individual compliance complaint process and compliance monitoring in the revised version of Chapter 16.** Please put the state's muscle behind educating our brightest students, whose needs have less and less significance to districts focused on AYP. Give parents a mechanism to make the state aware of and able to correct egregious practices without litigation in the upcoming regulations.

Best regards,



Kimm Ebersole  
Past President and Executive Committee Member  
Radnor PAGE

C: Rep. Bill Adolf