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**Buckheit, James**

**From:** Buckheit, James  
**Sent:** Monday, September 10, 2007 8:23 AM  
**To:** 'Carey, Daniel [PA]'  
**Subject:** RE: Proposed Rulemaking: Chapter 16 Special Education for Gifted Students

Dear Mr. Carey:

I write to acknowledge receipt of your comments concerning the proposed Chapter 16 regulations of the State Board of Education that were published in the Pennsylvania Bulletin on September 8, 2007. Copies of your comments will be provided to the leadership of the House and Senate Education Committees, Independent Regulatory Review Commission (IRRC) and each member of the State Board of Education.

Members of the State Board will carefully consider your comments as they prepare the final form regulation. If you would like to be notified by mail and receive a copy of the final form regulation when it is submitted for final approval by the House and Senate Education Committees and IRRC, please send a written request to my attention at the address printed below.

Thank you for taking the time to share your thoughts with the State Board of Education.

Sincerely,

Jim Buckheit  
Executive Director  
State Board of Education  
Commonwealth of Pennsylvania  
333 Market Street 1st floor  
Harrisburg, PA 17126 0333  
(717) 787-3787  
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2007 SEP 14 PM 3:06  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

-----Original Message-----

**From:** Carey, Daniel [PA] [mailto:DCarey@psea.org]  
**Sent:** Saturday, September 08, 2007 9:35 AM  
**To:** jrbuckheit@state.pa.us  
**Subject:** FW: Proposed Rulemaking: Chapter 16 Special Education for Gifted Students

I have two sons who attend(ed) Clarion Area Schools and when I was actively working as a teacher, I often prepared GIEPs for Redbank Valley Schools, both in Clarion County. In both cases, frequently the school's response to meeting the needs of gifted kids, particularly upper secondary kids, was "we'll provide release time" - meaning we will not require your child to be here - so that you can take him/ her wherever you like to do something else - usually classes at nearby Clarion University. My objection to that was - and continues to be - that this seems to dodge the concept of FAPE (Free and Appropriate Public Education). If a secondary student has "tapped out" the curriculum available at the school s/he attends, does not that school retain an obligation to provide FAPE for that student? Some parents of gifted children can afford to transport their kids - and pay for tuition, while others can not. And even those who can afford it are irritated when they see the school absorbing the full cost of funding the football team (no small amount) while they are asked to pay for their child's supposed FAPE.

The point of this communication is to ask that the regulations make it abundantly clear that whatever is written into the GIEP is the responsibility of the School District to fund. Parents should not have to face the prospect of due process just to hold Districts responsible for their plain duty under the law. Clear language in the regs would be a great help.

Daniel F. Carey

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The State Board of Education has published proposed revisions to its Chapter 16 regulations that address special education for gifted students in the September 8, 2007 edition of the Pennsylvania Bulletin. Comments are invited and should be submitted to the Board by October 8, 2007. You can access the Pennsylvania Bulletin publication directly at:

[www.pabulletin.com/secure/data/vol37/37-36/1654.html](http://www.pabulletin.com/secure/data/vol37/37-36/1654.html)

Jim Buckheit

State Board of Education

## PROPOSED RULEMAKING

### STATE BOARD OF EDUCATION

[22 PA. CODE CH. 16]

Special Education for Gifted Students

[37 Pa.B. 4872]

[Saturday, September 8, 2007]

The State Board of Education (Board) proposes to amend Chapter 16 (relating to special education for gifted students) to read as set forth in Annex A. The Board is acting under the authority of sections 1372 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1372 and 26-2603-B).

#### Purpose

Chapter 16 sets forth requirements for gifted education programs and services in public schools in this Commonwealth. It addresses the screening and evaluation process, gifted individualized education program (GIEP), educational placement and procedural safeguards for students identified as gifted. As provided in section 1749-A of the Public School Code of 1949 (24 P. S. § 17-1749-A), the regulations do not apply to charter schools and cyber charter schools.

#### Requirements of the Proposed Rulemaking

Proposed amendments to § 16.4 (relating to strategic plans) add a requirement that the gifted education portion of each school district's strategic plan address the process for identifying children who are gifted and in need of specially designed instruction. It also is to outline the gifted special education programs offered by the