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Gelnett, Wanda B.

From: Schalles, Scott R.
Sent: Wednesday, October 10, 2007 8:36 AM
To: Gelnett, Wanda B.
Subject: FW: Chapter 16 public comments

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INDEPENDENT REGULATORY
REVIEW COMMISSION

2635

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

From: Todd McIntyre, Applied Gifted [mailto:ToddMcIntyre@AppliedGiftedEd.com]
Sent: Tuesday, October 09, 2007 4:24 PM
To: Schalles, Scott R.
Cc: Schalles, Scott R.
Subject: Chapter 16 public comments

Gentlemen,

I am writing regarding the revision to the Chapter 16 regulations. Previously I have provided public testimony to both the Board of Education at the King of Prussia Hearing and, recently, to the Education Committee.

My central concern in the regulations is that the focus of the process be placed on the gifted student rather than the district. A simple language change of the current 'Gifted Individualized Education Program' to read 'Gifted Individualized Education Plan' allows districts and parents to discuss the child's plan and how that plan's needs are met in terms of the district's programs. As simple as that change sounds, it would have a profound positive effect on the ability of a GIEP Team to meet its regulatory responsibilities.

The existing system has also given rise to an ODR-driven Compliance model. Per the PA Department of Education, issues regarding content of the GIEP are resolvable only through the Office of Dispute Resolution. This requires parents to file for Due Process over mundane issues like lack of sufficient (at times any) Present Levels of Educational Performance testing. Other common issues I've encountered working as a special education advocate are districts which do not identify children as gifted before 3rd grade, mass exiting children from Gifted identification upon their entering high school, group GIEP meetings, and Gifted IEPs which are devoid of child-specific information, other than a name and a birth date.

A compliance/complaint model that enabled parents to identify these common problems and have action taken on their behalf would greatly improve the way the gifted educational system works in Pennsylvania. It would also save a great deal of resources that will, inevitably, be used by the Office of Dispute Resolution to adjudicate simple content issues relating to Gifted Education like 'lack of PLEP', 'no evident individualization', and such.

Please don't underestimate the degree to which districts ignore the basic wording of the current version of Chapter 16 or the efforts parents go through to ensure their child's basic educational rights are met. I would be happy to share with any members of the IRRC examples of Gifted IEPs which are clearly contrary to Chapter 16. The only recourse parents have is to file for Due Process. Absent an ability to resolve disagreements through other means, filing for Due Process over simple, clear situations will be the only option for parents. There are over 71,000 identified gifted students. I hope the regulation review process results in a more efficient way to use our resources to meet the needs of those students with exceptionalities we call 'gifted'.

Thank you.

10/10/2007

Todd McIntyre
Special Education Advocate

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