



**IMPORTANT:** ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

## THE RIGHTS OF GIFTED STUDENTS IN PENNSYLVANIA

### PENNSYLVANIA LAW DEFINES "MENTALLY GIFTED" AS:

*Outstanding intellectual and creative ability, the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program. This term includes a person who has an IQ of 130 or higher and when multiple criteria as set forth in Department Guidelines indicate gifted ability. Determination of gifted ability will not be based on IQ score alone. A person with an IQ score lower than 130 may be admitted to gifted programs when other educational criteria in the profile of the person strongly indicate gifted ability. Determination of mentally gifted shall include an assessment by a certified school psychologist. 22 Pa. Code §16.21(d).*

### THIS MEANS:

#### IF YOUR CHILD IS GIFTED, OR IF YOU THINK YOUR CHILD IS GIFTED, YOU HAVE:

**THE RIGHT** to request a free gifted evaluation by the District, with a limit of one request per school term.

**THE RIGHT** to review the results of the gifted evaluation and all other relevant material and records on your child.

**THE RIGHT** to have the results of any independent evaluations considered by the District.

**THE RIGHT** to written notice of whether or not the District finds that your child is gifted.

**IF YOU AND THE DISTRICT AGREE THAT YOUR CHILD IS GIFTED, YOU HAVE:**

**THE RIGHT** to a free, gifted individualized education program (GIEP) for your child which describes the education services your child will get, and the educational goals and objectives.

**THE RIGHT** to participate at a conference with District officials to develop a GIEP.

**THE RIGHT** to have the GIEP reviewed by the District and revised annually, or more often at your request.

**THE RIGHT** to have your child re-evaluated by the District before a change in educational placement is recommended.

**IF YOU AND THE DISTRICT DISAGREE ABOUT WHETHER YOUR CHILD IS GIFTED, OR THE PRESENT OR RECOMMENDED GIEP OR PLACEMENT OF YOUR CHILD, YOU HAVE:**

**THE RIGHT** to request mediation before an impartial person who helps the parents and the District to develop their own solutions to the dispute. For more information, contact the Office for Dispute Resolution (800-222-3353).

**THE RIGHT** to request a hearing before an independent hearing officer.

**THE RIGHT** to appeal, within certain time periods, to a Special Education Due Process Appeals Review Panel, and thereafter to state court, should you be dissatisfied with the hearing officer's decision.

**IF NECESSARY, ALL NOTICES TO YOU FROM THE DISTRICT  
MUST BE READ TO YOU IN THE LANGUAGE YOU NORMALLY USE**

## **SOME "HOW TO DO ITS" FOR PARENTS OF GIFTED CHILDREN IN PENNSYLVANIA**

### **IF YOU WANT YOUR CHILD TO BE CONSIDERED FOR A GIFTED PROGRAM:**

**WRITE** to the principal of your child's school explaining why you believe your child is gifted and needs specially designed instruction and request a gifted evaluation of your child. Send a copy to the Special Education Supervisor for your District and keep a copy for yourself. Your School District has 60 school days from the date you give written consent for the evaluation to take place to complete the gifted evaluation and present you with a written report (called a Gifted Written Report or GWR).

### **IF YOUR GIFTED EVALUATION IS NOT COMPLETED WITHIN 60 SCHOOL DAYS:**

**CONTACT** the principal or Special Education Supervisor and discuss this matter. If this does not resolve the problem, you can:

**FILE** a complaint with the Pennsylvania Department of Education by sending a letter expressing your concerns. Send your complaint to: Bureau of Teaching and Learning Support, 717-787-8913; or, Richard Brown, Bureau of Special Education, 717-783-6906.

**WRITE** a letter to your principal requesting a Due Process Hearing. Send a copy of your letter to the Special Education Supervisor for your District and keep a copy for yourself.

### **IF YOUR CHILD IS ALREADY IN GIFTED EDUCATION, BUT YOU WANT HIS OR HER PROGRAM OR PLACEMENT CHANGED IN SOME WAY:**

**WRITE** to the principal and explain what you want changed or request a meeting with your child's GIEP team. Or, if you feel a change is needed but you're not sure what to suggest, you may write a letter requesting further evaluations of your child's progress.

If the District will not make the change that you request, or will not perform further evaluations of your child, you should request a Due Process Hearing.

**IF YOUR CHILD'S SCHOOL IS NOT PROVIDING THE SERVICES LISTED ON HIS OR HER GIEP:**

*CONTACT* the principal and ask that your child receive all the services listed on the GIEP. If the problem continues, you may:

*FILE* a complaint with the Pennsylvania Department of Education (see above).

**IF YOUR CHILD IS GIFTED AND HAS A DISABILITY THAT AFFECTS HIS OR HER LEARNING:**

Your child may be entitled to additional educational services and protections. Contact the Disability Rights Network of Pennsylvania at 1-800-692-7443 for more information.

**FOR MORE INFORMATION, YOU MAY WANT TO TRY THESE RESOURCES:**

- Pennsylvania Department of Education  
Bureau of Special Education  
Contact: Richard Brown  
717-783-6906
- Pennsylvania Department of Education  
Bureau of Teaching & Learning Support  
717-787-8913
- Pennsylvania Association for Gifted Education (PAGE)  
[www.pengifted.org](http://www.pengifted.org)  
PAGE's Helpline: 1-888-736-6443  
(nonprofit advocacy organization dedicated to helping gifted learners, parents and educators)
- Pennsylvanians for the Education of Gifted Students (PEGS)  
[www.pagifted.org/portal/](http://www.pagifted.org/portal/)  
(grassroots organization established by parents of gifted students to address the needs of the gifted child)
- Center for Schools and Communities' Gifted Education Website  
[www.pagiftededucation.info](http://www.pagiftededucation.info)  
(clearinghouse for news and resources for educators, parents and students on gifted education)

- Pennsylvania Department of Education's Gifted Education Website  
[www.pde.state.pa.us/gifted\\_ed/site/default.asp](http://www.pde.state.pa.us/gifted_ed/site/default.asp)  
(provides links to Parents' Guide to Gifted Education, sample forms, and the State's Gifted Guidelines)
- The Pennsylvania Bar Association  
Lawyer Referral Service  
1-800-692-7375

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