

AHCCS Gifted Ed. Procedural Safeguards Procedure (2024-2025)

I. Notification Procedures

1. Provide Written Notice

- AHCCS must send written notice to parents of a gifted student at least **10 school days prior** to specific actions, including:
 - Proposing a multidisciplinary evaluation or reevaluation.
 - Proposing or refusing changes to the student's identification, evaluation, educational placement, or Gifted Individualized Education Plan (GIEP).

2. Maintain Current Educational Program During Disputes

- During any administrative or judicial proceedings, AHCCS will not make any changes to the student's identification, evaluation, educational placement, or GIEP unless agreed upon by all parties.

3. Ensure Clear Communication

- AHCCS will write notes in a language easily understood by the general public.
- If needed, AHCCS will communicate the notices orally and/or translate into the parents' native language to ensure comprehension.

4. Include Specific Information in the Notice

- AHCCS' notice will detail the following:
 - The proposed or refused action and its rationale.
 - Options considered and reasons for rejection.
 - Each evaluation method, test, record, or report used.
 - Other factors relevant to AHCCS' proposed action steps.
 - A comprehensive explanation of procedural safeguards and the right to impartial hearing.

5. Additional Information

- AHCCS' notices will also inform parents and/or guardians of:
 - Organizations available to assist with hearings.
 - Timelines for evaluation, GIEP development, and hearings.

- Consideration of any outside evaluations provided by parents.
- Details about due process hearings per §16.63.

II. Parental Consent Requirements

1. Documented Parental Consent

- AHCCS must document written parental consent before:
 - Conducting an initial multidisciplinary evaluation.
 - Initially placing a student in a gifted program.
 - Sharing identifiable information with unauthorized people.

2. Post-GIEP Completion Procedures

- After GIEP completion:
 - AHCCS will provide the GIEP and a notice of recommended assignment to parent(s) and/or guardian(s) in person (at the end of the GIEP conference) or by certified mail within **5 calendar days**.
 - Parent(s) and/or guardian(s) will then have **10 calendar days** to respond by mail or **5 calendar days** if notified in person. If they approve within **5 days**, AHCCS will wait an additional **5 days** before implementing the GIEP to allow for potential revocation of approval.

III. Impartial Due Process Hearing Procedures

1. Requesting a Hearing

- Parent(s) and/or guardian(s) can request a hearing if they disagree with AHCCS's identification, evaluation, placement, or educational provision for a gifted student.
- AHCCS may also request a hearing if the parent(s) and/or guardian(s) are non-responsive or refuses proposed actions (except initial placement).

2. Hearing Arrangements

- The hearing will take place at AHCCS or, if requested by the parent(s) and/or guardian(s), in the evening.
- The hearing must be open to the public unless parent(s) and/or guardian(s) request a closed session **5 days prior**.

3. Procedures During the Hearing

- The hearing will be oral and personal; only the decision is public if the hearing is open.
- The hearing officer must document findings of fact, discussion, and conclusions of law.
- A transcript will be provided to the parent(s) and/or guardian(s) at no cost.
- Parent(s) and/or guardian(s) can be represented by counsel and access all educational records.

4. Evidence and Decision Guidelines

- Evidence introduced must be disclosed **5 calendar days** before the hearing.
- Parties can present evidence, including expert testimony.
- Decisions are appealable to the appropriate court, and AHCCS will implement final decisions within **30 school days**.

5. Hearing Officer Responsibilities

- Hearing officers cannot have affiliations with AHCCS or agencies related to the student and/or parent(s) and/or guardian(s).
- They must disclose any conflicts of interest to both parties.

IV. Mediation Procedures

1. Mediation Process

- Mediation will be available to resolve disputes with an impartial mediator assisting in developing an agreement.
- A mediation agreement will be recorded and added to the GIEP.

2. Confidentiality and Conduct

- Mediation discussions will be confidential and unrecorded, with no part of the session recorded.
- The mediator will not serve as a witness in future proceedings.

3. Post-Mediation Requirements

- A GIEP meeting will be scheduled within **10 school days** to incorporate the mediation agreement.
- Parties will receive copies of the agreement, which is enforceable by the Department.

V. Confidentiality Procedures

1. Privacy Compliance

- All personally identifiable information will be safeguarded in compliance with FERPA and other applicable laws.
- Access to identifiable information about a gifted student will be restricted to authorized individuals only.

Works Cited

1. National Association for Gifted Children (n.d.). "Identifying Gifted Children from Diverse Populations." National Association for Gifted Children, <https://www.nagc.org>.
2. Pennsylvania Code. (n.d.). *Chapter 16. Special education for gifted students*. Pennsylvania Code & Bulletin. <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/022/chapter16/s16.1.html&d=>