

## Board of Trustees Resolution

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WHEREAS the Board of Trustees of Achievement House Cyber Charter School desires to comply with applicable state and federal laws and exercise its authority to promulgate policies for Achievement House Cyber Charter School;

NOW, THEREFORE, be it resolved that the Board of Trustees of Achievement House Cyber Charter School adopts the following policy:

### Gifted Education Procedural Safeguards Policy

#### Gifted Education Procedural Safeguards Notice

A school district must notify parents of a gifted student at least 10 school days before conducting a gifted multidisciplinary evaluation or making any significant changes to the student's identification, evaluation, educational placement, or GIEP. Any such changes cannot be implemented during ongoing administrative or judicial proceedings unless agreed upon by all parties involved. Notifications must be clear, in language accessible to the public, and, if needed, communicated in the parents' native language. Notices should detail the proposed or refused action, rationale, evaluation methods used, relevant factors, and an explanation of procedural safeguards, including impartial hearing rights. Additionally, notices must inform parents of available support organizations, timelines for evaluations, GIEP development, hearings, and that outside evaluations provided by parents will be considered.

#### Gifted Education Consent:

The district must obtain written parental consent before: (1) conducting an initial multidisciplinary evaluation, (2) placing a student in a gifted program, or (3) sharing identifiable information about a gifted student with unauthorized persons. After finalizing the GIEP, the district will present the plan to parents along with a notice of recommended assignment signed by the superintendent and a notice of their right to an impartial due process hearing. This notice will be given either in person at the end of the GIEP meeting or by certified mail within five days. Parents have 10 days to respond if notified by mail, or five days if notified in person. If parents approve in person, the district will wait at least five days to implement the GIEP, allowing parents time to withdraw their approval if they wish.

#### Parent Concerns: Contact Information and Resolution Process for Gifted Education:

For any concerns related to Gifted Education, a parent/guardian and/or a student should contact the Director of Special Education or the Gifted Education Program Coordinator to set up a Gifted Multidisciplinary Team meeting.

Trina Knauff  
Director of Special Education  
267-542-1236

tknauff@achievementcharter.com

Victoria Nesti  
Gifted Education Program Coordinator  
(267) 889-3125  
Vnesti@achievementcharter.com

Gifted Education Impartial Due Process Hearing:

Parents may request an impartial due process hearing if they disagree with the district's identification, evaluation, placement, or gifted education services. The student remains in their current placement during the hearing, unless both parties agree otherwise. Districts may also request a hearing if a parent does not respond to an evaluation or disagrees with a placement. Hearings are conducted locally and can be open or closed, per parental request. Both parties may present evidence, access records, and be represented by legal counsel. Hearing officers issue a decision within 45 days, which may be appealed to court, and all related records remain confidential unless the hearing is public. Hearing officer services are managed independently, and the Department of Education annually reports on the hearing outcomes. If a hearing decision is made, the district must ensure compliance within 30 days and provide assurance to the Department.

Gifted Education Mediation:

Mediation provides a process for parents and agencies to work toward an agreement with the help of an impartial mediator in special education disputes for gifted students. Key terms include:

- **Joint session:** A stage where all parties meet with the mediator to present their issues without interruption.
- **Mediation agreement:** A written, binding record of the agreed resolution.
- **Mediation conference:** An informal meeting aimed at developing a binding, mutually acceptable agreement.
- **Mediator:** A neutral facilitator who aids parties in developing their own solutions.
- **Participants:** Individuals supporting either party, such as family or specialists.
- **Parties:** Parents and designated agency personnel involved in the dispute.
- **Private session (caucus):** A confidential one-on-one meeting between the mediator and a single party to clarify and explore solutions.

If resolved, the mediation results in a written agreement added to the student's education record and GIEP, and enforceable by the Department. Confidentiality is maintained throughout the mediation, and discussions are not recorded. The agreement itself is not confidential, binding, and both parties receive a signed copy immediately after the conference. Within 10 school days, a GIEP team incorporates the agreement into the GIEP. Mediation cannot restrict a party's right to request a due process hearing.

Gifted Education Confidentiality:

Each agency is responsible for safeguarding the confidentiality of personally identifiable information for students who are gifted or may be identified as gifted, following section 13(a) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g), 34 CFR Part 99 on family educational rights and privacy, Chapter 12 regarding students, and other relevant laws.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

WHEREAS the Board of Trustees of Achievement House Charter School desires to comply with applicable state and federal laws and exercise its authority to promulgate policies for Achievement House Cyber Charter School;

NOW THEREFORE be it resolved that the Board of Trustees of Achievement House Charter School adopts the following policy:

Gifted Education Procedural Safeguards Policy

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President

\_\_\_\_\_  
Date

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Secretary

\_\_\_\_\_  
Date

**Referenced Documents:**

1. Department of Defense Education Activity. (n.d.). *Military interstate compact*. Department of Defense Education Activity. <https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact>
2. National Association for Gifted Children (n.d.). "Identifying Gifted Children from Diverse Populations." National Association for Gifted Children, <https://www.nagc.org>.
3. 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=>