

Annual Public Notice of Gifted Education Services and Programs and Notification of Rights Under the Family Educational Rights and Privacy Act

The Pennsylvania Cyber Charter School
1200 Midland Avenue
Midland, PA 15059

It is the responsibility of the Pennsylvania Department of Education to ensure that gifted children residing in the Commonwealth who are in need of specially designed instruction, are identified, located, and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97).

The IDEA '97 requires each state educational agency to publish a notice to parents, in newspapers or other media, before any major identification, location, or evaluation activity. The IDEA '97 requires this notice to contain certain information. Another federal law, the Family Educational Rights and Privacy Act of 1974 (FERPA), which protects confidentiality, requires educational agencies to notify parents annually of their Confidentiality rights. The Pennsylvania Cyber Charter School (PA Cyber) fulfills the above duties with this annual notice.

Gifted Education Services and Programs

The PA Cyber is required by the IDEA '97 to provide a free appropriate public education to school age children who have been identified as gifted and in need of specially designed instruction.

GIEP

School age children who have been identified as gifted and are in need of specially designed instruction must be described in a Gifted Individualized Education Program (GIEP).

Screening

Each educational agency must establish and implement procedures to locate, identify, and evaluate school age students suspected of being eligible for gifted education. These procedures include screening activities which include but are not limited to: review of group based data (cumulative records, enrollment records, health records, and report cards); hearing screening (at a minimum of kindergarten, first, second, and third grades); vision screening (every grade level); motor screening; and speech; and speech and language screening.

Except as indicated above or otherwise announced publicly, screening activities take place in an ongoing fashion throughout the school year. Screening is conducted at PA Cyber unless other arrangements are necessary. If parents need additional information about the purpose, time and location of screening activities, they should call or write to the Special Education Contact for The Pennsylvania Cyber Charter School:

Director of Special Education
PA Cyber
1200 Midland Avenue
Midland, PA 15059

Evaluation

When screening indicates that a student may be eligible for gifted education, the PA Cyber will seek parental consent to conduct an evaluation. "Evaluation" means procedures used in the determination of whether a child is gifted and the nature and extent of the specially designed instruction and related services that the child needs. The term procedures used selectively with an individual child and does not mean basic tests administered to or procedures used with all children.

This evaluation is called gifted multidisciplinary evaluation (GMDE). It is conducted by a multidisciplinary team (MDT) which includes a teacher, other qualified professionals who work with the child, and the parents. The GMDE process must be conducted in accordance with specific timelines and must include protection in evaluation procedures. For example, tests and procedures used as part of the multidisciplinary evaluation may not be racially or culturally biased.

The GMDE process results in a written evaluation report called a Comprehensive Evaluation Report (CER). This report makes recommendations about a student's eligibility for gifted education and the need for specially designed instruction. Once parental consent for evaluation is obtained, the school has timelines and procedures specified by law which it must follow.

Parents who think their child is eligible for specially designed instruction may request at any time that PA Cyber conduct a GMDE. Requests for a GMDE should be made in writing to the Gifted Education Contact person. If a parent makes an oral request for a GMDE PA Cyber shall provide the parent with a form for that purpose.

Parents also have the right to obtain a gifted independent education evaluation (GIEP). PA Cyber must provide to parents on request information about where a GIEP may be obtained. Under certain circumstances, a GIEP may be obtained at public expense.

Educational Placement

The determination of whether a student is eligible for specially designed instruction is made by the Gifted Individualized Education Program (GIEP) team. A single test or procedure may not be the sole factor in determining that a child is exceptional. The GIEP team must include at least two members in addition to the parent (s). Other required members include at least one regular education teacher of the child (if the child is, or may be participating in the regular education environment), at least one gifted education teacher, or where appropriate, at least one gifted education provider, and a representative of PA Cyber. If the student is determined to be eligible for specially designed instruction, the GIEP team develops a written education plan called a GIEP. The GIEP shall be based on the results of the gifted multidisciplinary evaluation. The GIEP team may decide that a student is not eligible for specially designed instruction. In that instance, recommendations for educational programming in regular education may be developed from the CER.

A GIEP describes a student's current educational levels, goals, objectives, and the individualized programs and services which the student will receive. GIEPs are reviewed on an annual basis. The GIEP team will make decisions about the type of services, the level of services, the level of intervention, and the location of intervention.

Placement must be made in the least restrictive environment in which the student's needs can be met with specialized instruction.

Annual Notice of Rights Under the Family Educational Rights and Privacy Act (FERPA)

PA Cyber protects the confidentiality of personally identifiable information regarding its eligible, thought to be eligible, and protected handicapped students (if not protected by IDEA '97) in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations as well as IDEA '97 and its implementing regulations.

“Education records” means those records that are directly related to the student, including computer media and videotape, which are maintained by an educational agency or by a party acting for the agency. “Educational agency”, for purposes of this notice, means PA Cyber. For all students, the educational agency maintains education records which include but are not limited to:

Personally identifiable information – confidential information that includes but is not limited to the students name, name of parents and other family members, the address of the student or student’s family, and personal information or personal characteristics which would make the student’s identity easily traceable.

Directory information – information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes but is not limited to, the student’s name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and the most recent previous educational agency or institution attended.

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. Parents have the right to inspect and review a child’s education record. PA Cyber will comply with a request to inspect and review education records without unnecessary delay and before any meeting regarding a GIEP or any due process hearing, but in no case more than 45 days after the request has been made. Requests should be submitted in writing, indicating the records the parents wish to inspect, to the school principal or other designated school official. Parents have the right to a response from the school to reasonable requests for explanations and interpretations of the records. Parents have the right to request copies of the records. While PA Cyber cannot charge a fee to search for or to retrieve information, it may charge a copying fee as long as it does not effectively prevent the parents from exercising their right to inspect and review the records. Parents have the right to appoint a representative to inspect and review their child’s records. If any education record contains information on more than one child, parents have the right only to inspect and review the information relating to their child.
2. If parents think information in an education record is inaccurate, misleading or violates the privacy or other rights of their child, they may request amendment of the record. Requests should be in writing and clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. PA Cyber will decide whether to amend the record and will notify the parents in writing of its decision. If PA Cyber refuses to amend a record, it will notify the parents of their right to a hearing to challenge the disputed information. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

PA Cyber will inform parents when personally identifiable information is no longer needed to provide educational services to a child. Such information must be destroyed at the request of the parents. Parents have a right to receive a copy of the material to be destroyed. However, a permanent record of a student’s name, address, and telephone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without the limitation. “Destruction” of records means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

The school will provide, upon request, a listing of the types and locations of education records maintained, the school officials responsible for these records, and the personnel authorized to see personally identifiable information. Such personnel receive training and instruction regarding confidentiality. The school keeps a record of parties obtaining access to education records, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

3. Parents have the right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. "Consent" means: the parent (s) have been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and maybe revoked at any time, information may be disclosed without consent to school officials with legitimate educational interests. A school official is a person employed by the school, Midland is (the chartering district), or intermediate unit as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); state agency representative, person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Directory information may be released without parent consent. Parents have the right to refuse to let an agency designate any or all of the above information as directory information.

Upon written request, PA Cyber discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by PA Cyber to comply with the requirements of FERPA. Complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605. Mode of Communication The content of this notice has been written in straight-forward, simple language. If a person does not understand any of this notice, he or she should ask the Special Education Contact for an explanation. PA Cyber will arrange for an interpreter for parents with limited English proficiency. If a parent is deaf or blind or has no written language, the school district will arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, Braille, or oral communication). For more information you may contact the PA Cyber Gifted Education Department or visit the PDE Gifted Education website.

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