



## NOTICE OF PARENTAL RIGHTS

### Section I: Prior Written Notice of Action/Refusal to Act

#### A. When Provided:

A school district must provide parents with written notice 10 school days prior to one or more of the following events:

1. The school district proposes to conduct an initial Gifted Multidisciplinary Evaluation (GMDE) or reevaluation of the student. Notices given under these circumstances are either the Permission to Evaluate or the Notice of Intent to Reevaluate.
2. The school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student. Notice given under these circumstances is the Notice of Recommended Assignment (NORA).
3. The school district proposes or refuses to make any significant changes in the student's Gifted Individualized Education Program (GIEP). Notice given under these circumstances is the Notice of Recommended Assignment (NORA).

#### B. Contents of Notice:

Prior written notices must be written in language understandable to the general public. If necessary, the content of notices must be communicated orally in the native language or directly so that parents understand the content of the notice.

Prior written notices must contain:

1. A description of the action proposed or refused by the school district, an explanation of why the school district proposes or refuses to take the action, and a description of any options the school district considered and the reasons why those options were rejected.
2. A description of each evaluation procedure, type of test, record or report the school district used as a basis for the district's action.
3. A description of other factors relevant to the school district's action.
4. A full explanation of the parental rights or procedural safeguards available to the parents or the student, including the right to an impartial hearing.
5. The address and telephone numbers of organizations that are available to assist the parents.
6. The timelines involved in conducting an evaluation, developing a gifted individualized education program (GIEP), and initiating a hearing.
7. A statement informing parents that an outside evaluation submitted by the parents must be

considered.

## Section II: When Prior Written Parental Consent Must Be Obtained

Parental consent must be obtained by the school district prior to:

1. Conducting an initial Gifted Multidisciplinary Evaluation (GMDE) of a student;
2. Initially placing a gifted student in a gifted program;
3. Disclosing to unauthorized persons information identifiable to a gifted student.

## Section III: Parental Refusal to Give Consent

A school district may request (in writing) a due process hearing to proceed with an initial evaluation or an initial educational placement when the district has not been able to obtain consent from the parents of a student who is thought to be gifted.

A school district may also request (in writing) a due process hearing when a parent disagrees with the identification, evaluation or proposed educational placement or educational services for a student who is gifted.

## Section IV: Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation at their own expense. The results of the independent evaluation must be considered by the school district in any decision made with respect to the provision of a gifted education.

## Section V: Dispute Resolution Systems

When parents disagree with the school district's proposal, they have the following formal systems available to them for dispute resolution: Mediation

Mediation is a process in which parents and agencies involved in a dispute regarding special education for gifted students agree to obtain the assistance of an impartial mediator in attempting to reach a mutually agreeable settlement. There is no cost to the parties.

Discussions occurring during the mediation session are confidential, and no part of the mediation conference is to be recorded.

1. During a mediation conference the mediator will meet with the parties together in a joint session and individually in private sessions.
2. The designated agency involved in the dispute must send representative who has the authority to commit resources to the resolution agree upon.
3. Any agreement reached by the parties during the mediation process must be converted into writing and placed in the student's educational record.
4. The written mediation agreement is not a confidential document, shall be incorporated into the student's GIEP, and is binding on the parties.
5. The mediation agreement shall be enforceable by the Department of Education.

6. A GIEP team shall be convened within 10 school days following the mediation agreement, to incorporate the mediation agreement into the GIEP where necessary.
7. When the mediation conference results in a resolution of the dispute, each party shall receive an executed copy of the agreement at the conclusion of the mediation conference.
8. Mediation may not be used to deny or delay a party's right to an impartial due-process hearing

#### 9. Impartial Due Process Hearings

- a. Parents may request an impartial due process hearing in writing concerning the identification, evaluation or educational placement of, or the provision of a gifted education to, a student who is gifted or who is thought to be gifted if the parents disagree with the school district's identification, evaluation or placement or the provision of gifted education to the student.
- b. A school district may request a due process hearing in writing to proceed with an initial evaluation or an initial educational placement when the district has not been able to obtain consent from the parents or in regard to a matter in number one above.
- c. The due process hearing will be conducted by and held in the local school district at a place reasonably convenient to the parents. At the request of the parents, the hearing may be held in the evening.
- d. The due process hearing will be an oral, personal hearing and will be open to the public unless the parents request a closed hearing 5 days in advance of the hearing. If the hearing is open, the decision issued in the case will be available to the public. If the hearing is closed, the decision will be treated as a record of the student and will not be available to the public.
- e. The decision of the hearing officer will include findings of fact, a discussion and conclusions of law. Although technical rules of evidence will not be followed, the decision will be based solely upon the substantial evidence presented during the course of the hearing.
- f. The hearing officer will have the authority to order that additional evidence be presented.
- g. A written transcript of the hearing will, upon request, be made and provided to the parents at no cost.
- h. Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to students who are gifted.
- i. A parent or parent's representative will have access to educational records, including tests or reports upon which the proposed action is based.
- j. A party may prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least 5 calendar days before the hearing.
- k. A party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.
- l. The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.

- m. The Secretary may contract for coordination services in support of hearings conducted by local school districts. The coordination services will be provided on behalf of the school districts and may include arrangements for stenographic services, arrangements for hearing officer services, scheduling of hearings and other functions in support of procedural consistency and the rights of the parties to hearings.
- n. If a school district chooses not to utilize the coordination services, it may conduct hearings independent of the services if its procedures similarly provide for procedural consistency and ensure the rights of the parties. In the absence of its own procedures, a school district that receives a request for an impartial due process must forward, without delay, the request to the agency providing coordination services.
- o. A hearing officer may not be an employee or agent of a school district in which the parents or student resides, or of an agency which is responsible for the education or care of the student. A hearing officer must promptly inform the parties of a personal or professional relationship the officer has or has had with any of the parties.
- p. The following timelines apply to due process hearings:
  - i. The hearing must be held within 30 calendar days after a parent's or school district's initial request for a hearing.
  - ii. The hearing officer's decision must be issued within 45 calendar days after the parent's or school district's request for a hearing.
- q. Each school district must keep a list of the persons who serve as hearing officers. The list must include the qualifications of each hearing officer. School districts must provide parents with information as to the availability of the list and must make copies of it available upon request.

#### Section VI: Student's Status During Proceedings

Unless the parents and school district agree otherwise, the student must remain in his or her present educational placement during the pendency of any administrative or judicial proceeding.

#### Section VII: Applicable Laws and Regulations

Refer to 22 Pa Code, Chapter 16: Special Education for Gifted Students.

## **TAARIFA YA HAKI YA WAZAZI**

### Sehemu ya I: Taarifa Iliyoandikwa Mapema ya Kitendo/Kukataa Kuchukua Hatua

#### **A. Inapotolewa:**

Lazima wilaya ya shule ipatie wazazi taarifa iliyoandikwa siku 10 za shule kabla ya moja au zaidi ya matukio yafuatayo:

1. Wilaya ya shule inapendekeza kufanya Tathmini ya Kwanza ya Aina Nyingi ya Nidhamu kwa Wenye Vipawa (GMDE) au mwanafunzi kutathminiwa upya. Taarifa zinazotolewa chini ya hali hizi ni Ruhusa ya Kutathmini au Taarifa ya Kusudi la Kutathmini Upya.
2. Wilaya ya shule inapendekeza au inakataa kuanzisha au kubadilisha utambulisho, tathmini au uwekaji wa elimu wa mwanafunzi. Taarifa iliyotolewa chini ya hali hizi ni Taarifa ya Kazi Iliyopendekezwa (NORA).
3. Wilaya ya shule inapendekeza au inakataa kufanya mabadiliko yoyote muhimu katika Mpango Uliobinafsishwa wa Elimu' Vipaji (GIEP). Taarifa iliyotolewa chini ya hali hizi ni Taarifa ya Kazi Iliyopendekezwa (NORA).

#### **B. Yaliyomo kwenye Taarifa:**

Lazima taarifa zilizoandikwa mapema ziandikwe kwa kutumia lugha inayoeleweka kwa umma. Ikiwa ni lazima, lazima yaliyomo kwenye taarifa yawasilishwe kwa maneno kwa kutumia lugha asili au moja kwa moja ili wazazi waelewe yaliyomo kwenye taarifa.

Lazima taarifa zilizoandikwa mapema ziwe na:

1. Ufafanuzi wa hatua iliyopendekezwa au kukataliwa na wilaya ya shule, ufafanuzi wa kwa nini wilaya ya shule inapendekeza au inakataa kuchukua hatua hiyo, na ufafanuzi wa chaguo zozote ambazo wilaya ya shule ilizingatia na sababu za chaguo hizo kukataliwa.
2. Ufafanuzi wa kila utaratibu wa' aina ya jaribio, rekodi au ripoti ambayo wilaya ya shule ilitumia kama msingi wa hatua ya wilaya.
3. Ufafanuzi wa mambo mengine muhimu kwa hatua ya wilaya ya shule.
4. Ufafanuzi kamili wa haki za wazazi au utaratibu wa ulinzi unaopatikana kwa wazazi au mwanafunzi, pamoja na haki ya kusikilizwa bila upendeleo.
5. Anwani na nambari za simu za mashirika ambayo yanapatikana kumsaidia mzazi.
6. Muda uliowekwa wa kufanya tathmini, kukuza mpango uliobinafsishwa wa elimu ya wenye vipawa (GIEP), na kuanzisha usikilizaji.
7. Taarifa inayowaarifu wazazi kwamba tathmini ya nje iliyowasilishwa na wazazi lazima izingatiwe.

## Sehemu ya II: Wakati Idhini ya Mzazi Iliyoandikwa Mapema Lazima Ipatikane

Lazima idhini ya wazazi ipatikane na wilaya ya shule kabla ya:

1. Kufanya Tathmini ya Kwanza ya Aina Nyingi ya Nidhamu kwa Wenye Vipawa (GMDE).
2. Kuweka mapema mwanafunzi aliye na vipawa katika mpango wa wenye vipawa;
3. Kufichua maelezo ya watu wasioidhinishwa inayotambua mwanafunzi aliye na

vipawa. Sehemu ya III: Mzazi Kukataa Kutoa Kibali

Wilaya ya shule inaweza kuomba (kwa maandishi) usikilizaji wa kesi ili kuendelea na tathmini ya kwanza au uwekaji wa kwanza wa elimu ambapo wilaya haijaweza kupata kibali kutoka kwa wazazi wa mwanafunzi ambaye anadhaniwa kuwa na vipawa.

Wilaya ya shule pia inaweza kuomba (kwa maandishi) usikilizaji wa kesi wakati mzazi hakubaliani na utambulisho, tathmini au uwekaji wa elimu unaopendekezwa au huduma za kielimu kwa mwanafunzi aliye na vipawa.

## Sehemu ya IV: Tathmini ya Kujitegemea ya Kielimu

Wazazi wana haki ya kupata tathmini huru ya kielimu kwa gharama zao wenyewe. Matokeo ya tathmini ya kujitegemea lazima izingatiwe na wilaya ya shule katika uamuzi wowote uliofanywa unaohusiana na utoaji wa elimu ya wenye vipawa.

## Sehemu ya V: Mifumo ya Azimio la Mzozo

Wakati wazazi hawakubaliani na pendekezo la wilaya ya shule, mifumo rasmi ifuatayo inapatikana kwao kwa ajili ya azimio la mizozo: Upatanisho

Upatanisho ni mchakato ambao wazazi na wakala wanaohusika katika mzozo kuhusu elimu maalum kwa wanafunzi wenye vipawa wanakubali kupata msaada wa mpatanishi asiye na upendeleo ili ajaribu kupata maafikiano inayokubaliwa na wote. Hakuna gharama zozote kwa wahusika.

Majadiliano yanayotokea wakati wa kikao cha upatanisho ni ya siri, na hakuna sehemu ya mkutano wa upatanisho inayopaswa kurekodiwa.

1. Wakati wa mkutano wa upatanisho, mpatanishi atakutana na wahusika pamoja katika kikao cha pamoja na kibinafsi katika vikao vya siri.
2. Wakala mteule aliyehusika katika mzozo lazima atume mwakilishi ambaye ana mamlaka ya kutoa rasilimali kwa azimio lililokubaliwa.
3. Makubaliano yoyote yaliyofikiwa na wahusika wakati wa mchakato wa upatanisho lazima yabadilishwe kuwa maandishi na kuwekwa kwenye rekodi ya elimu ya mwanafunzi.
4. Makubaliano ya upatanisho yaliyoandikwa sio hati ya siri, itajumuishwa kwenye GIEP ya mwanafunzi, na inawafunga wahusika wote.
5. Makubaliano ya upatanisho yatatekelezwa na Idara ya Elimu.

6. Timu ya GIEP itakuwa na mkutano ndani ya siku 10 za shule baada ya makubaliano ya upatanisho, ili kuingiza makubaliano ya upatanisho katika GIEP inapohitajika.
7. Wakati mkutano wa upatanisho utasababisha azimio la mzozo, kila mhusika atapokea nakala ya makubaliano yaliyotekelezwa mwishoni mwa mkutano wa upatanisho.
8. Upatanisho hauwezi kutumiwa kukataa au kuchelewesha haki ya mhusika ya usikilizaji wa kesi.
9. Usikilizaji wa Kesi Usiokuwa na Upendeleo
  - a. Wazazi wanaweza kuomba usikilizaji wa kesi usiokuwa na upendeleo kwa maandishi kuhusu utambulisho, tathmini au uwekaji wa elimu, au utoaji wa elimu ya wenye vipawa kwa mwanafunzi mwenye vipawa au ambaye anadhaniwa kuwa vipawa ikiwa wazazi hawakubaliani na utambulisho wa wilaya ya shule, tathmini au uwekaji au utoaji wa elimu ya wenye vipawa kwa mwanafunzi.
  - b. Wilaya ya shule inaweza kuomba usikilizaji wa kesi kwa maandishi ili kuendelea na tathmini ya kwanza au uwekaji wa kwanza wa elimu ambapo wilaya haijaweza kupata kibali kutoka kwa wazazi au kuhusu jambo katika nambari moja hapa juu.
  - c. Usikilizaji wa kesi utatekelezwa na kufanyika katika wilaya ya shule ya mtaa katika eneo linalofikiwa kwa urahisi na wazazi. Kwa ombi la wazazi, usikilizaji unaweza kufanyika jioni.
  - d. Usikilizaji huo wa kesi utakuwa usikilizaji wa maneno, wa kibinafsi na utakuwa wazi kwa umma isipokuwa wazazi wataomba usikilizaji wa siri siku 5 kabla ya kusikilizwa. Ikiwa usikilizaji uko wazi, uamuzi utakaotolewa katika kesi hiyo utapatikana kwa umma. Ikiwa usikilizaji ni wa kibinafsi, uamuzi utachukuliwa kama rekodi ya mwanafunzi na hautapatikana kwa umma.
  - e. Uamuzi wa afisa wa usikilizaji utajumuisha matokeo ya ukweli, majadiliano na hitimisho la sheria. Ingawa sheria za kiufundi za ushahidi hazitafuatwa, uamuzi utategemea ushahidi mkubwa uliowasilishwa wakati wa usikilizaji.
  - f. Afisa wa usikilizaji atakuwa na mamlaka ya kuamuru kwamba ushahidi zaidi uwasilishwe.
  - g. Nakala iliyoandikwa ya usikilizaji, baada ya ombi, itanakiliwa na kutolewa kwa wazazi bila gharama yoyote.
  - h. Wazazi wanaweza kupewa wakili wa kisheria na kuambatana na kushauriwa na watu binafsi wenye maarifa maalum au mafunzo kwa maswala ya wanafunzi wenye vipawa.
  - i. Mzazi au mwakilishi wa mzazi atakuwa na ufikiaji wa rekodi za elimu, pamoja na majaribio au ripoti ambazo hatua inayopendekezwa inategemea.
  - j. Mhusika anaweza kuzuia ushahidi kuletwa wakati wa usikilizaji ambao haujafichuliwa kwa chama hicho angalau siku 5 za kalenda kabla ya kusikilizwa.
  - k. Chama kina haki ya kuwasilisha ushahidi na ushuhuda, ikiwemo ushuhuda wa wataalam wa matibabu, kisaikolojia au kielimu.
  - l. Uamuzi wa afisa wa usikilizaji usiokuwa na upendeleo unaweza kukatwa rufaa kwa mahakama yenye mamlaka.

- m. Katibu anaweza kufanya mkataba wa huduma za uratibu ili kuunga mkono usikilizaji unaofanywa na wilaya za shule za mitaa. Huduma za uratibu zitatolewa kwa niaba ya wilaya za shule na zinaweza kujumuisha mipangilio ya huduma za maandishi, mipangilio ya huduma za afisa wa usikilizaji, kupanga kisikilizwa na kazi zingine zinazohusiana na uthabiti wa kiutaratibu na haki za wahusika kwenye usikilizaji.
- n. Ikiwa wilaya ya shule inachagua kutotumia huduma za uratibu, inaweza kufanya usikilizaji kwa kujitegemea bila huduma ikiwa taratibu zake zinatoa kwa usawa uthabiti wa kiutaratibu na kuhakikisha haki za wahusika. Ikiwa hakuna taratibu zake, lazima wilaya ya shule ambayo inapokea ombi la usikilizaji wa kesi usiokuwa na upendeleo ipeleke, bila kuchelewa, ombi kwa wakala anayetoa huduma za uratibu.
- o. Afisa wa usikilizaji anaweza kuwa sio mwajiriwa au wakala wa wilaya ya shule ambayo wazazi au mwanafunzi anaishi, au wakala anayehusika na elimu au utunzaji wa mwanafunzi. Lazima afisa wa usikilizaji awajulishe wahusika mara moja kuhusu uhusiano wa kibinafsi au wa kitaaluma ambao afisa anayo au amekuwa nao na wahusika wowote.

P. Ratiba zifuatazo zinatumiwa kwa usikilizaji wa kesi:

- i. Lazima usikilizaji ufanyike ndani ya siku 30 za kalenda baada ya ombi la kwanza la mzazi au wilaya ya shule kusikilizwa.
- ii. Lazima usikilizaji ufanyike ndani ya siku 45 za kalenda baada ya ombi la kwanza la mzazi au wilaya ya shule kusikilizwa.
- q. Lazima kila wilaya ya shule ihifadhi orodha ya watu wanaofanya kazi kama maafisa wa usikilizaji. Lazima orodha ijumuishe sifa za kila afisa wa usikilizaji. Lazima wilaya za shule zipatie wazazi maelezo ya upatikanaji wa orodha na lazima zitoe nakala zake baada ya ombi.

#### Sehemu ya VI: Hali ya Mwanafunzi Wakati wa Mashtaka

Isipokuwa wazazi na wilaya ya shule wakubaliane vinginevyo, lazima mwanafunzi abaki katika uwekaji wake wa sasa wa elimu wakati wa kesi yoyote ya kiutawala au kimahakama.

#### Sehemu ya VII: Sheria na Masharti Husika

Rejelea kwa Kanuni ya 22 Pa, Sura ya 16: Elimu Maalum ya Wanafunzi Wenye Vipawa.