

**FOR  
PARENTS  
OF FLORIDA'S  
STUDENTS  
WHO ARE  
GIFTED**

**AN  
INTRODUCTION  
TO GIFTED  
EDUCATION**

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FOR PARENTS OF FLORIDA'S  
STUDENTS WHO ARE GIFTED

# AN INTRODUCTION TO GIFTED EDUCATION

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# WELCOME

## *Most parents have many questions...*

This book is for parents of children in Florida who are or may be identified as *gifted*. The word “parents” includes anyone who has major responsibility for a child. If you are a person who has such responsibility—for example, a parent, grandparent, surrogate parent, or foster parent—and you think your child may be gifted, you will want to read this book carefully. It will help you understand your child's right to an education.

Most parents have many questions about their child's education. You may wonder how the school can meet your child's needs. You may feel that you need help in understanding and working with your child and your child's school. The five chapters of this book will answer some of your questions. The chapters are described on the next page. But before you read this book, there are several things you should know.

- You do not need to read the whole book at one time. Each chapter can stand alone.
- The Parents' Dictionary that begins on page 75 explains the meaning of the underlined words in this book.
- The information given in this book is true for any child who is gifted, beginning in kindergarten and continuing until the student graduates from high school.
- It is very helpful for you to keep some records of your own. In **chapter 5** you will find parents' record pages that will give you ideas about information to keep in your records. On those pages you can record information that is important for your child's education. **Chapters 1, 2, and 3** of this book refer you to particular parents' record pages.

We hope this book will help you to help your child. As you read and use the chapters, you may have more questions. The people at your child's school or in your local school district office will be happy to work with you and to answer your questions.

**Note:** Some children who are gifted also have a disability. If your child is or may be “twice exceptional,” discuss your concerns with your child's teachers, the school principal, or the ESE administrator in the local school district office. You may also request the book *For Parents of Florida's Students with Disabilities: An Introduction to Exceptional Student Education* from the address listed on the inside front cover of this book.

## INFORMATION PROVIDED BY EACH CHAPTER

**Chapter 1, *EXCEPTIONAL STUDENT EDUCATION FOR STUDENTS WHO ARE GIFTED***, will answer questions such as these:

- How will the school work with my child?
- What is exceptional student education?
- What is gifted education?
- What can I do to help?
- Is this going to cost me a lot of money?

**Chapter 2, *THE EDUCATIONAL PLAN—EP***, will answer questions such as these:

- What is an EP?
- What are the parts of an EP?
- How will an EP help my child succeed in school?
- Who writes the EP?
- When and how is an EP written?
- How can I help to write the EP?

**Chapter 3, *SOLVING PROBLEMS***, will answer questions such as these:

- What are my rights to participate, have notice, and give informed written consent?
- How can I work with the school to solve problems?
- What should I do if I disagree with something the school is doing?
- What are my procedural safeguards?

**Chapter 4, *RESOURCES***, contains this useful information:

- Parents' Dictionary explains the meaning of some of the words used by schools to describe your child and your child's education, and gives meanings of all underlined words in this book.
- Reading Materials for Parents is a list of other materials that may be of help to you.
- Where to Go for Help lists some groups and agencies that can give you more information.
- Sample Letters suggest ways you might ask the school to do certain things.

**Chapter 5, *PARENTS' EDUCATIONAL RECORDS***, contains parents' record pages that provide space for you to keep track of information about your child's education.

# 1. *EXCEPTIONAL STUDENT EDUCATION FOR STUDENTS WHO ARE GIFTED*

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# EXCEPTIONAL STUDENT EDUCATION AND YOUR CHILD WHO IS GIFTED

*You will want to work  
closely with people at  
your child's school...*

You may be reading this book because someone thinks your child may be *gifted*. This person could be you, a teacher, or another person. Perhaps the school has already determined that your child is gifted. Gifted students exhibit high *cognitive* abilities and need special learning experiences that allow them to make progress that reflects those abilities.

There are many clues that can tell you that your son or daughter is gifted. For example, your child may

- be highly motivated
- be very curious
- have a good memory
- use advanced vocabulary
- be a good problem-solver
- be creative and imaginative
- have many hobbies and interests
- have clear learning goals
- have a highly developed sense of humor. (Frasier, 1997)

You may be concerned because your child's school work seems too easy or focuses on things your child already knows. This may make it difficult for your child to make progress in school. So you will want to work closely with people at your child's school to make sure your child is getting the education he or she needs.

In Florida, boys and girls who have special learning needs because they are gifted or because they have a disability are called exceptional students. The special help they are given at school is called exceptional student education. This is often called ESE. Sometimes it is called special education. The purpose of ESE is to *help your child progress in school, meet his or her goals, and prepare for life after school.*

Florida's laws say that each child who is gifted is entitled to a free appropriate public education. However, it is up to local school districts to provide that education, and most decisions about ESE services are made by the school, the school district, and the local community. The job of the state government and Florida's Department of Education is to help school districts, schools, and families provide an education for all children. The Florida Department of Education also helps school districts understand and follow the laws and in some cases decides how to resolve complaints filed by parents about the education of their children.

To receive ESE gifted services in Florida, your child must be determined to be eligible. The eligibility criteria for gifted services are outlined in Florida's State Board of Education Rule 6A-6.03019. This rule is available online at [www.myfloridaeducation.com/rules/6a-6.htm](http://www.myfloridaeducation.com/rules/6a-6.htm).

Not all children who are gifted have the same needs or require the same services. Exceptional student education provides services designed to give each child the right kind of special help for that child. These services will be provided at no cost to you.

Explained below are some important elements of exceptional student education for gifted students.

**Teachers**—Your child may work with general education teachers, or with ESE gifted teachers, or with both. ESE gifted teachers have special training and skills in working with children who are gifted. ESE gifted teachers can also help general education teachers work with children who are gifted.

**Differentiated Curriculum**—The general curriculum includes the knowledge and skills that most students are taught and expected to learn. Teachers modify the curriculum to match the abilities and interests of gifted students and allow them to progress. This is known as providing a differentiated curriculum. The two most common strategies used to differentiate the curriculum for gifted students are acceleration and enrichment. *Acceleration* refers to speeding up the pace of instruction to match the child's ability. For example, fourth-grade gifted students may be taught fifth-grade mathematics skills. *Enrichment* refers to introducing new or more complex ideas or activities. For example, gifted students studying science concepts may work on developing their own inventions.

**Materials and Equipment**—The teachers may use some special books, kits, learning games, technology, or equipment to provide the differentiated curriculum.

# LAWS ABOUT THE EDUCATION OF CHILDREN WHO ARE GIFTED

*Parents should help to  
decide what is best for  
their child...*

There are several important state laws about education for children who are gifted. The laws help to make sure that each child gets the education services the child needs. The laws also say that parents should help to decide what is best for their child.

The most important thing to remember is that every child with an *exceptionality* has the right to a free appropriate public education (FAPE). This means that the local public school district must provide services designed to allow your child to meet his or her goals and make progress. It does not mean that the school has to provide the *best* possible services for your child.

If your child has been identified as gifted, lives in Florida, is enrolled in a public school in kindergarten through grade 12, and meets the *eligibility criteria*, he or she must be offered special educational services from your local public school district.

If your child is eligible for gifted services, this means several things.

- Decisions about your child must be made after an individual *evaluation*.
- Decisions about your child must be made *with* you.
- The services for your child must be described in writing. This written description is called an *educational plan*, or *EP*.
- The services may include special teaching methods, materials, technology, and other help.
- The services must be set up to meet your child's unique needs.
- The services must be free of charge to you.

**Note:** If your child goes to a *private* school and has been referred to the public school system for an individual evaluation, the public school district will evaluate your child

if you give your **consent**. If eligible, your child may be able to get some services from the public school system. Call the **ESE administrator** in your local school district office to find out about this.

The laws and rules that apply to the education of children who are gifted are described in several places in this book. Here are the names of the most important laws and rules.

- **Family Educational Rights and Privacy Act (FERPA)**
- **Florida Statutes and State Board of Education Rules** pertaining to education for exceptional students
- **Special Programs and Procedures for Exceptional Students** (Each local school system has a set.)

**Chapter 4** tells how you can get copies of the laws and rules.

If you have questions that are not answered in this book, contact your child's teacher or principal, or the ESE administrator in your local school district office.

# PARENTS' RECORDS

*Good records will be helpful to you and to your child's school...*

You can help yourself, your child, and the school by keeping your own records. This will make going to meetings and talking to school people much easier for you. It will also be helpful if you ever move to another county or state. You will want to keep

- test results and reports
- the written educational plan (EP) for your child
- report cards
- samples of your child's work
- evaluation reports
- letters from the school to you
- consent forms the school has asked you to sign
- records or reports from people from outside the school system who have worked with your child
- letters or information from agencies such as the Florida Department of Education
- letters or notes from you to the school
- notes and dates of telephone calls, meetings, and visits

Sometimes important decisions are made during a telephone conversation or when you are talking in person with someone at the school. If this happens, it will be helpful if you write a short note to the school, clearly stating your understanding of what the decision was. This will give you a record of what happened. It will also let people at the school know what you expect of them. Letters or notes like this do not need to be typed. However, you should keep a copy. On the next page is an example of this kind of note.

*February 10, 20\_\_*

*Dear \_\_\_\_\_*

*When I talked with you on February 7, 20\_\_, we agreed that my son John will be allowed to use the names of bones and diseases as his spelling words. I understand that this will start next week. Please let me know if there is any problem with this.*

*Thank you for your help.*

*Sincerely,*

*Ms. Smith*

In **chapter 5**, you will find parents' record pages. They will give you ideas about information you should keep. You may want to write all important information in that booklet. You may want to keep all your records in a notebook or a file.

Some parents like to make a tape recording of important meetings so they do not have to take so many notes. If you would like to tape record a meeting, talk to the people at the school about it well before the meeting date.

Children who are eligible for ESE gifted services in one Florida school district are also eligible for ESE gifted services in any other Florida school district the family might move to. However, if you move, you should do several things:

- Tell your child's old school where you are moving and ask them to contact the new school right away.
- Make sure all your child's records are sent to the new school.
- Contact the new school as soon as possible and tell school staff about the special needs your child has.
- Take copies of your child's important school records with you to the new school.

Keeping your own records and copies of school records takes time. However, good records will be helpful to you, to your child, and to your child's school.

# PLANNING YOUR CHILD'S GIFTED EDUCATION

*Several things must happen before your child can receive special services...*

You are part of the process of planning and delivering special services for your child. During this process, you will want to work with the school by giving information, asking questions, making suggestions, and helping to make decisions. Here are the major parts of the process:

1. Referral for individual evaluation
2. Individual evaluation
3. Eligibility determination
4. Development of the first EP
5. Consent for placement; services begin
6. Development of new EP and EP review

These actions are described on the following pages. Keep in mind that each school district may have a slightly different way of carrying out this process. (For information on your rights during each part of the process, see **chapter 3**.)

## 1. REFERRAL FOR INDIVIDUAL EVALUATION

A referral is a request for an individual evaluation of a student who is suspected of needing gifted education services. Some children are referred for evaluation because their teachers have observed that their academic abilities are very advanced. Other students are referred for evaluation because they score high on group tests called screenings.

When a child's needs are not being met in the general classroom, several interventions may be tried *before* a referral for individual evaluation is made. For example, the classroom teacher may try new strategies to give your child more opportunities to progress in the general classroom.

If the interventions are not successful, you or the school staff will then refer your child for an individual evaluation to determine if he or she needs gifted education services.

No matter who refers your child for evaluation, you should be told when the referral was made and why. If you make the referral yourself, write down the name of the person you talked to and the date. If you write a letter or note, keep a copy.

See page 99.

## 2. INDIVIDUAL EVALUATION

An individual evaluation is a way of collecting information about a child's learning needs, strengths, problems, and interests. It is used to make decisions about whether a child is gifted and is **eligible** for ESE services. No decisions about ESE services can be made until after the individual evaluation is finished and reviewed.

Before your child can be individually evaluated at any time, you must give your informed written consent. The school staff will ask you to sign a form to show that you agree to have them evaluate your child. The school will tell you, in writing, the following things:

- why the school staff think your child should be evaluated
- any other options the school staff considered and why they did not choose those other options
- how you can get help in understanding the consent form and the evaluation process

The school will also give you a copy of the **procedural safeguards**, which explains your rights as a parent of a child who is gifted.

If you give your written consent, your child will be individually evaluated. The people doing the evaluation will try to answer these kinds of questions about your child:

- What does your child do well?
- What does your child know or not know?
- How does your child learn best?
- What learning needs does your child have?

An evaluation should look at all the areas in which a child may have special needs. It must look at your child in more than one way. Here are some ways to evaluate a child.

- Watch the child work.
- Talk with the child.
- Talk with the parents about things the child does at home and what the child was like when he or she was younger.



- Review school progress.
- Give individual tests.

The individual evaluation will be done specifically for your child and must be appropriate for him or her. This means that the evaluation will

- include more than just a single test
- use tests and other evaluation activities that are designed for children who are like your child
- not give a false or unfair picture of your child because of his or her race or culture
- be done in your child's own language, to the maximum extent possible
- give your child every chance to show what he or she knows and can do.

More than one person will help to do the evaluation. Here are some of the people who may do parts of the evaluation:

- teachers
- counselors
- *school psychologists*
- you, the parent.

You play an important part in the evaluation process. You can help calm any fears your child has about the tests or other evaluations. You can also provide specific information about your child that no one else is likely to have, such as

- your child's history
- information about your child's development over the years
- information about how your child does at home in areas such as communicating with others, doing chores, and doing homework
- information about how your child gets along with adults and other children
- information about your child's interests, skills, and hopes for the future.

Evaluation information may also be obtained from other people who have worked with your child. Sometimes the school can use evaluations of your child that have already been done by other schools or agencies. You will be asked to give written permission for this information to be shared with the school.

After the evaluation is finished, the people who worked on it will write one or more reports. You will be provided with a free copy of the reports. You will want to read the reports. You may ask to meet with anyone who was part of the evaluation team. It is often a good idea to ask evaluation team members to explain their findings to you. Be sure to keep copies of evaluation reports in your file.

If school staff decide not to evaluate your child, they will give you a written [notice](#) telling

- why they are not going to evaluate your child (for example, because you and the school have agreed to try interventions first)
- any other options they considered and why they did not choose those other options
- how you can get help in understanding the notice and the evaluation process
- how you can get a copy of your procedural safeguards

You will also get a notice any time the school proposes or refuses to change the identification, evaluation, services, or placement of your child.

See page 100.

### 3: ELIGIBILITY DETERMINATION

After the evaluation is done, an [eligibility staffing](#) will be held. The team of people at this meeting will determine whether the evaluation data indicate that your child is eligible for ESE gifted services. A child is only eligible when he or she meets the criteria listed in the [State Board of Education Rules](#). Your child must meet the eligibility criteria in order to receive ESE services.

There must be at least three people from the school or school district at the eligibility staffing meeting. One of these people will be the ESE administrator or another person who can make decisions for the school district. Here are some other people who may be part of the meeting:

- principals
- guidance counselors
- teachers
- people who helped with the evaluation
- school psychologists

The team at the eligibility staffing will discuss the information collected about your child. The team will use the evaluation reports, school progress reports, test results, referral information, and information you provide to make decisions about your child's eligibility for ESE services. The team has four choices.

- Your child is eligible for ESE gifted services.
- Your child is not eligible for ESE gifted services and does not need special services.

- Your child is not eligible for ESE gifted services but does need some additional challenges.
- There is not enough information to reach a decision, and more evaluation is needed.

The school must give you a written notice telling you what the team has decided. When you get this notice, be sure you understand it. The notice will give you the name of someone to talk with if you have any questions. If you don't know the meaning of any of the words used in the notice, ask for an explanation. Be sure to keep this notice in your file.

If you do not agree with the decision about your child's eligibility, see **chapter 3** for ideas on how to solve problems.

See page 101.

## 4: DEVELOPMENT OF THE FIRST EP

*An EP is a plan that tells you, the teachers, and other school staff what ESE services and related services will be provided to your child...*

If the team at the eligibility staffing determines that your child is eligible for ESE gifted services, the next step is to write an educational plan (EP). An EP is a plan that tells you, the teachers, and other school staff which ESE services will be provided to your child. These services will be designed to meet your child's learning needs.

Here are some things you will want to keep in mind about the EP.

- The EP is written at a meeting with you there to help. (A draft may be brought to the meeting.)
- The EP is a plan for your child only.
- The EP describes the services your child will receive for the duration of the document (or less). A new EP must be written for your child at least every 3 years or at transition times, such as when the child moves from elementary to middle school.
- Both you and the school have the right to invite anyone you wish to the EP meeting. However, the people you invite should have knowledge or expertise about your child.
- When you sign the EP, it does not mean you agree with the EP. It does not mean you give your consent for services to begin. It only means that you attended the EP meeting.

- If you do not agree with the EP, you may want to write that on the EP.
- Your child cannot receive ESE gifted services until the first EP is done and you give your informed written consent for placement.

You will get a written invitation from the school before each *EP meeting*. You will be told the day, time, and place suggested for the meeting; who will be there; and why the meeting is being held. Ask the school to change the day, time, or place if you cannot go. Suggest a new date and time if possible. Since the school staff want your help in writing the EP, they will try to find a day, time, and place that is good for you. However, if you *choose* not to go to the meeting, the school may hold the EP meeting without you. Learn more by reading **chapter 2** before you go to an EP meeting.

See pages 102 through 105.

When you and school staff meet to write the EP, the team will also decide what kind of classes your child will be in to receive the services on the EP. This is called your child's *placement*. Your child cannot receive ESE gifted services for the first time until the EP is written and you have given your informed written consent for placement.

## 5: CONSENT FOR PLACEMENT; SERVICES BEGIN

*Your child may receive special services in the same classroom he or she has been attending...*

After the **first** EP has been written, you will be asked to give your written consent for your child to receive gifted services. The "consent for placement form" will tell what type of classes your child will receive services in and when, how often, and for how long your child will be in each type of class. This is called your child's *placement*. (You will only be asked for written consent for placement after the meeting to develop the **first** EP.)

The placement decision will be based on the contents of the EP. Your child will be placed in a classroom or classrooms that offer the services your child needs and that can help your child make progress.

*Most* gifted students spend *most* of their school day in general education classrooms. In some cases, ESE gifted teachers come to the general education classroom to provide services to the children or to the teacher. In other cases, children leave the general education classroom for part of the day to receive gifted services in an ESE "resource class." Some children spend all day in a special class or attend a special school.

Some types of placement may be available in many schools throughout the school district. Other types of placement may be available in only a few schools. Which school a student is assigned to attend is based on the district's plan for school zones and on which schools offer the placement the student needs.

Once you have given your informed written consent for placement, services should start right away. Of course the school may need a few days to get everything ready. And you will want to do several things before your child starts receiving ESE services.

- Talk to your child. Tell your child about the services he or she will receive.
- If your child will receive services in a different classroom or in a different school, tell your child about the new class and teacher. Call the school to arrange for you and your child to visit.
- If your child will be riding a different bus, check on the bus schedule.

After your child has started receiving services, you will want to keep in touch with the teachers. Find out if your child is working well and what your child is learning. Visit the class every once in a while. Before you visit, be sure to call the school and let the principal or teacher know that you are coming. Talk with the teachers after your visit. Talk about the good things you saw. If there are problems, you may be able to help the school work them out. If things don't get better, you may ask for changes to be made. If you want to ask for changes, read **chapter 3**.

Here are a few signs that will help you know when your child is receiving the services he or she needs.

- Your child is making progress.
- Your child's teacher has open expectations for what your child can do.
- Your child has access to other children who are gifted.
- What your child is taught meets your child's needs.
- The classroom or school environment has no harmful effect on your child.

See pages 106 & 107.

## 6: DEVELOPMENT OF NEW EP AND EP REVIEW

*Your child's needs will change as he or she grows and learns new things...*

Many parents feel relieved to have that first EP written and to know that their child is receiving services. It is an achievement to be proud of; however, the work of the team is not over.

During the time when your child receives ESE services, you will be asked to participate in other parts of the ESE process. For example, at least once every three years and/or at transition times, you and the rest of the EP team will meet to talk about your child's progress in school and to develop a new EP. You will get a written invitation to this meeting. If you cannot go, call the school and ask for a different day, time, or place. You will want to get ready for this meeting. Read over your records. Make a list of your questions and suggestions. You might want to visit your child's class and talk to the teacher again. Read **chapter 2** about EPs before you go to the meeting.

The team may begin by reviewing your child's last EP and other records to learn what progress your child has made. Based on that information, the team will answer questions like these:

- How have your child's needs changed?
- What new goals should your child be working toward?
- Does your child need different services?
- Does your child still need all the ESE services he or she has been receiving?
- Does your child need a different placement in order to make progress?

Then you and the rest of the team will write a new EP for your child. Sometimes the team will need new evaluation data about your child; sometimes the team will be able to write the new EP without more evaluation data.

A change in your child's services or placement can only be decided during an EP meeting. You must be invited to the EP meeting. However, the school does not need your consent to change your child's services or placement. The school must notify you in writing of a change.

### *You may ask for an EP review meeting at any time...*

Of course, your child's needs may change at any time. Watch your child carefully. Keep in touch with the people at the school. You, the teacher, or other school staff may ask for an EP review meeting at any time. You do not have to wait until three-year review. If you think parts of the EP are no longer appropriate or are not working as you and the EP team had hoped, the team can discuss those concerns in the EP review meeting and make changes in your child's EP, as needed. Changes in goals, services, and placement can only be made during an EP meeting.

*Dismissal can only be determined  
as part of an EP meeting...*

An EP meeting will also be held if you or the school staff think your child no longer needs ESE services. *Dismissal* can only be determined as part of an EP meeting. After the meeting, the school will send you a written notice if the EP team has decided to dismiss your child from ESE. Dismissal does not mean that your child is no longer gifted. Dismissal means that your child's needs can be met in the general education classroom without special services. You will get this notice before your child stops receiving services. However, the school does not need your consent to dismiss your child from ESE or to make other changes in placement. If you disagree with the decision, read **chapter 3** for information on how you can work with the school.

Even if your child has been dismissed from ESE, you should save your records for future use.

**See page 108.**





## 2.

# *THE EDUCATIONAL PLAN—EP*

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# THE EP— WHAT IT IS

*Every child who is eligible  
for and needs gifted  
education will  
have an EP...*

Each child who is eligible for and needs gifted education will have an educational plan (EP). The EP is a written plan for the special education of a child who is gifted. It describes your child and what you and the school will do to give your child the help he or she needs. Since parents help to write EPs for their children, it is important that you know what goes into an EP. You should also understand what will happen at EP meetings and after the EP is written.

The EP is like a road map for your child's ESE services. It describes what your child can already do and what your child needs to learn. It lists the kinds of help your child will need in order to learn. Here are some things the EP will tell you:

- what your child knows and can do now and what your child needs to learn
- what your child should learn over time
- the special services your child will receive during the year
- how much time your child will spend in general education and exceptional student education (ESE) during the year
- what you have agreed to do to help your child
- how your child's progress will be measured and reported to you
- when services will begin, where and how often services will be provided, and for how long.

There are three very important things for you to remember about EPs.

- The EP is written for your child only.
- There is only one EP at a time for your child.
- The EP is a plan for up to three years of your child's education, or four years at the high school level. (The EP team may decide to write an EP for a shorter period of time.)

# THE EP— WHAT IT IS NOT

*As your child grows, learns,  
and changes, the EP will  
need to change...*

**The EP is not a daily lesson plan.** It will not tell you each little thing a teacher will do with your child. It won't take the place of the plans that teachers write for a day or week.

**The EP is not an evaluation report.** An *evaluation* report describes your child's strengths and weaknesses. It lists your child's interests and special learning needs. It may include the results of tests your child has taken. The information from an evaluation report is used to help write the EP.

**The EP is not a contract.** The EP is a working plan that describes things that you and the school have agreed to do for your child. It cannot promise that all the special help will work. There are many things that affect your child's learning. The school cannot control your child's health or things that happen outside the school, for example.

**The EP does not last forever.** As your child grows, learns, and changes, the EP will need to change. A new EP must be written *at least* once every three years or at transition times, such as when your child moves from elementary school to middle school. However, the EP *may* be changed as often as you and the school agree that it needs to be changed. Any member of the EP team may ask for a meeting to make changes in the EP at any time.

You and the school staff will learn new things about your child as you work with him or her. As you work together, you will find ways to make the EP more useful.

# USES OF THE EP

*You will use the EP to know what to look for when you visit the school or talk with the teachers...*

The EP should be a working plan that parents, teachers, and school staff will use.

**The school** will use the EP to

- know what services to give your child
- know what classes your child will receive services in
- set up a daily or weekly schedule for all your child's services
- conduct EP review meetings and develop new EPs for your child (See page 40.)

**You (the parent)** will use the EP to

- keep a record of the services your child should be getting
- know if your child is making progress in school
- know which teachers to talk with about your child
- know what to look for when you visit the school or talk with the teachers
- know what information might be helpful to share with the school
- get ideas about what you can do at home to help your child
- know what things you have agreed to do for your child

**Teachers** will use the EP to

- help them plan daily lessons and activities for your child
- work with each other to help your child
- help them choose the right kinds of teaching methods and materials for your child
- know if your child is making progress in school
- help them share information with you

**The school district** will use the EP to

- be sure that all students who are gifted get the services listed on their EPs
- plan for the future—make sure that the school district offers the right kinds of services to meet the needs of all students

# CONTENTS OF THE EP

*Many kinds of information must be discussed at the EP meeting and written into the EP...*

An EP is written on a form. On pages 27 and 28 you will find a blank copy of a sample EP form. The form used in your school district may be different. You may want to ask for a blank copy of your district's EP form.

Some children need only a very short EP. Other children need much longer EPs. No matter what form is used, or how long your child's EP is, the following information must be discussed at the EP meeting and written into the EP.

1. Present levels of educational performance
2. Goals
3. Objectives
4. Description of how your child's progress will be measured and how you will be informed of your child's progress
5. Gifted education services
6. Initiation, duration, frequency, and location of services

Each type of information is described beginning on page 29. As you read, you can also look at the blank EP form on pages 27 and 28.

During the EP meeting, you and the rest of the team will consider the following:

- the strengths and needs of your child resulting from his or her giftedness
- the results of recent evaluations, including your child's performance on state and districtwide assessments
- your concerns for enhancing your child's education.

# SAMPLE EP FORM—PAGE 1

Date of Development \_\_\_\_\_

Student Name	ID Number	Gender F M
School	DOB	Grade
Parent(s) Name		
Address		
Home phone	Work Phone	

Meeting Type:    Initial EP    Review    Temporary

EP Meeting Participants' Signatures

Parent/Guardian	Parent/Guardian
LEA	General Education Teacher
Teacher of Gifted	Administrator
School Psychologist	Student
Counselor	Other

Gifted Procedural Safeguards have been provided to Parent/Guardian. \_\_\_\_\_  
Parent Initials or Date Sent

Gifted Services	
Initiation Date: _____	Duration: <input type="radio"/> 1 yr. <input type="radio"/> 2 yrs. <input type="radio"/> 3 yrs. <input type="radio"/> Other: _____
Date of EP review: _____	
Priority Educational Need(s):	
<input type="radio"/> Mathematics <input type="radio"/> Science <input type="radio"/> Language Arts/English <input type="radio"/> Social Studies <input type="radio"/> Other:	
Curriculum Modifications & Services:	
Acceleration through:	Enrichment through:
<input type="radio"/> Curriculum Compacting	<input type="radio"/> Tiered Lessons
<input type="radio"/> Flexible Grouping	<input type="radio"/> Modifying curriculum depth, complexity, or abstractness
<input type="radio"/> Independent Study	<input type="radio"/> Problem Based Learning
<input type="radio"/> Subject Skipping	<input type="radio"/> Service Learning
<input type="radio"/> Grade Skipping	<input type="radio"/> Independent Study
<input type="radio"/> Other, Specify: _____	<input type="radio"/> Other, Specify: _____
Setting:	
<input type="radio"/> General Education Classroom with	<input type="radio"/> Co-teaching or <input type="radio"/> Consultation
<input type="radio"/> Resource Room	<input type="radio"/> Content-Based Class(es)
<input type="radio"/> Full-time classroom	<input type="radio"/> Center School (specify): _____
<input type="radio"/> Seminar or Elective	
Frequency: <input type="radio"/> Daily <input type="radio"/> Weekly <input type="radio"/> Monthly <input type="radio"/> Other: _____	

This is a sample. Your school district's form may be different.

## SAMPLE EP FORM—PAGE 2

### Present Levels of Educational Performance

A narrative description of the student's current performance, indicating a need for gifted services, based on the following:

**Formal Assessments:**

Area Assessed	Date	Instrument	Level/Ability

**Informal Assessments including:**

- Parent Observation   
  Informal Assessments   
  Previous EP   
  Portfolio  
 Student Input   
  Student Led Conference   
  Teacher Observation   
  Report Card

Student's strengths:

What concerns for their child's education have the parents expressed?

### Individual Student Goals & Objectives

Goal:

Objective #1:

**Evaluation Procedures**

- Graded Work Samples
- Informal Assessment
- Teacher-made Tests
- Teacher Observation
- Student Self-Assessment
- Rubric
- Performance Demonstration
- Portfolio Evaluation
- Standardized Test
- Other:

**Evaluation Criteria**

- 90%-100% Mastery
- 80%-89% Mastery
- Other:

**Evaluation**

- Schedule**
- Monthly
  - Quarterly
  - Semester
  - Grading Period
  - End of Unit
  - Other:

**Results**

- Mastered
- Progressing
- Revise and Continue
- Discontinue
- Other:

Review date: \_\_\_\_\_

Objective #2:

- Graded Work Samples
- Informal Assessment
- Teacher-made Tests
- Teacher Observation
- Student Self-Assessment
- Rubric
- Performance Demonstration
- Portfolio Evaluation
- Standardized Test
- Other:

**Evaluation Criteria**

- 90%-100% Mastery
- 80%-89% Mastery
- Other:

**Evaluation**

- Schedule**
- Monthly
  - Quarterly
  - Semester
  - Grading Period
  - End of Unit
  - Other:

**Results**

- Mastered
- Progressing
- Revise and Continue
- Discontinue
- Other:

Review date: \_\_\_\_\_

This is a sample. Your school district's form may be different.

## 1. PRESENT LEVELS OF EDUCATIONAL PERFORMANCE

*Present levels of educational performance* statements describe what your child can do and what your child knows *now*. Since the goal of ESE is to help your child reach his or her EP goals and make progress, the EP team needs to know what knowledge and skills your child already has. This information will help the team decide what your child needs to learn (your child's goals). The team may consider questions such as these:

- In what ways is this student gifted?
- What is the student able to do that necessitates ESE gifted services?
- How is this student currently performing in the classroom?
- In what ways is this student demonstrating abilities beyond the general curriculum?
- What objective data document this student's present abilities?
- What anecdotal evidence (from teachers and parents) can illuminate this student's present abilities?
- What are this student's interests?

Various areas of learning can be described in this section of the EP, including *academic* skills, social skills, and individual interests.

A present levels of performance statement does not have to be given for every area. Such a statement will be made only for areas in which your child has a special need. Your child's EP may contain only one present level statement, or it may include several.

Here are some examples of present levels of educational performance statements.

- Based on Terrell's results on the second-grade district reading test, he can understand what he reads at the fifth-grade level.
- Based on parent's report, Olivia is interested in mythology. She has an extensive collection of books of myths and creates puppet shows based on the stories she reads.
- Based on teacher's observation, Herve is able to generate many possible solutions to problems.



## 2. GOALS

**Goals** state what your child needs to learn in order to make progress. These goals are based on the present levels of educational performance statements that tell what your child can do now. An EP may contain one or more goals in areas such as academics and social skills. Goals describe what the child should be able to learn within the duration of the EP, such as one, two, or three years. Here are some examples of goals:

- Jordan will develop algebraic thinking skills and apply these skills to real-world situations.
- Paula will demonstrate writing in a variety of formats and genres.

## 3. OBJECTIVES

**Objectives** describe knowledge and skills that your child must learn in order to reach his or her EP goals. Objectives, like goals, should be written to fit your child's needs. Objectives are the steps along the path toward the student's goals.

For example, here is a goal: *Marcus will turn in 100% of the class assignments given in his general 7th grade classes.*

For this goal, the EP team might write the following objectives:

- Marcus will use a series of steps for organizing his materials so he can identify and record assignments.
- Marcus will use a task-planning strategy to record and carry out the requirements of assignments.
- Marcus will use a time-management strategy to monitor his own pace and progress of assignment completion.

Here is another goal: *Paula will demonstrate writing in a variety of formats and genres.*

For this goal, the EP team might write the following objectives:

- Paula will write poems using a variety of devices, including rhyme, metaphor, simile, alliteration, and personification.
- Paula will write an autobiography and a biography.
- Paula will write a piece of short fiction in the fantasy, comedy, or mystery genre.

You will want to be sure that all the important steps in mastering the goals are listed as benchmarks or objectives. However, the EP is not a daily lesson plan. The benchmarks or objectives should not be so small that your child may finish them in a day or two.

## 4. DESCRIPTION OF HOW YOUR CHILD'S PROGRESS WILL BE MEASURED AND HOW YOU WILL BE INFORMED OF YOUR CHILD'S PROGRESS

Throughout the year, you and the school will want to keep track of how well your child is doing. The EP must describe how your child's progress toward his or her goals will be measured and how you will be regularly informed of that progress. Reports of your child's progress will indicate the likelihood that your child will be able to achieve his or her EP goals.

## 5. GIFTED EDUCATION SERVICES

Here are some examples of services that might be listed on this part of the EP:

- ***Accelerated*** instruction involves presenting knowledge and skills earlier or at a faster pace than it is presented to most students. Methods of acceleration include
  - ***curriculum compacting***—assessing what the student already knows and only teaching the parts of the curriculum that the student does not already know
  - independent study
  - skipping a single subject
  - skipping an entire grade
  - enrolling in college courses while still in high school.
- ***Enrichment*** instruction involves presenting knowledge and skills with more depth, breadth, complexity, or abstractness. Methods of enrichment include
  - ***tiered lessons***—lessons that address a common core of content with varying degrees of difficulty
  - problem-based learning—presenting complex problems for students to solve by using a variety of skills and resources
  - service learning, in which students provide community service while applying academic knowledge and skills to real-life situations
  - independent study.

You will want to be sure that each service you and the school have agreed on is listed in the EP.

## 6. INITIATION, DURATION, FREQUENCY, AND LOCATION OF SERVICES

The EP will tell when, where, and for how long your child will receive each ESE service, accommodation or modification, or support. It may also list the title of the person who will make sure that your child receives each service. The general classroom teacher may provide the services to your child or an ESE teacher may visit the classroom to work with your child. Alternatively, your child may leave the general classroom several times each week to work with an ESE teacher in a resource class, may spend most of the school day in a special ESE class, or may go to a special center one day a week.

When you and the rest of the team decide when and where your child will receive services, you are also deciding your child's placement. (See page 16.) Here are the types of placement information the EP includes:

- Initiation date is the date the service will begin.
- Duration is the length of time your child is expected to need the service (e.g., one semester, regular school year, extended school year).
- Frequency is how often your child will receive or use the service (for example, every day, once a week, or once a month).
- Location is where the service will be provided or used (such as in a general classroom, in an ESE resource room, or in the community).

## OTHER INFORMATION THAT MAY BE ON THE EP

Each of the types of information described above **must** be included in your child's EP. Some school districts have added other parts to the EP to make it more useful. Here are some things that can be added.

- Signatures—After the EP is written, the people who helped write it will probably be asked to sign their names. Signing the EP does not mean you agree with it; it just means you attended the meeting. If you do not agree with the EP, you may want to write that on the EP.
- Information on parent participation—Describes what the school has done to notify you about EP meetings and help you to participate.
- Child's and/or parent's language—Tells the school what language is spoken by your family.
- Health/medical information—Describes any special health or medical problems your child has.
- Overall goals and objectives of the school's gifted program.

# INFORMATION NEEDED TO WRITE AN EP

*You will want to share things that worked well and things that did not seem to help...*

As you can see, a lot of work goes into writing an EP. You and the school will need to gather information about your child before you sit down together to write the EP. Helpful information is found in many kinds of reports and records. You will want to look at as many of the following records as possible before going to the EP meeting:

- referral information
- evaluation reports
- observation reports from parents, teachers, and others
- school progress reports.

You will be asked to tell what your child does at home. Be ready to discuss your child's interests, and how your child learns best. There are many things that only *you* know about your child. This information will be helpful in writing the EP.

You will also want to tell the rest of the EP team which services are working well for your child—and what you think needs to be done differently. Ask about new services you think your child needs. You and your child's teachers may have tried many different ways of helping your child learn. You will want to share things that worked well and things that did not seem to help. Things that work well with your child should be part of your child's EP.

You and the school staff may also want to look at descriptions of the services your child will be getting. It may also be helpful to look at the teacher's guide or directions that come with learning materials that may be used with your child, if they are available.

# EP MEETINGS

*The meeting will be held before your child begins receiving any ESE services.*

The EP must be written at an **EP meeting**. The first EP meeting will be held before your child begins receiving any ESE services. The following people should be present at the meeting to write your child's first EP:

- a **person from the school system** who can make sure that your child gets the services listed on the EP
- a **teacher of a gifted class** your child *may* be in
- a **general education teacher**, if your child is or may be participating in the general education environment
- someone who understands and can explain the evaluation that was done for your child (this may be one of the people listed above)
- **you**—both parents, if possible.

Other people may be at the EP meeting, such as

- a friend, relative, or other person you have asked to attend because you feel that person has special knowledge of your child
- other people, asked by the school, who know your child (such as the principal or guidance counselor)
- your child, whatever his or her age, if you feel your child can help to make decisions about his or her own education
- □ others who have worked with your child in the past.

The people who work together to write your child's EP are called the EP team. You are part of the EP team.

It may be helpful to have your child at the EP meeting. Children can often tell us important things about how they learn, what their needs are, and what interests they have. You will need to decide whether to ask your child to come to the meeting. If your child is able to understand what is going on and share some of his or her own ideas, your child should be there.

## BEFORE THE MEETING

The school must notify you before each EP meeting. The written invitation you receive serves as your *notice*, and will

- be written or explained to you in your own language
- give you a day, time, and place for the meeting
- tell you the reason for the meeting
- tell who will be at the meeting
- let you know that you may invite anyone to the meeting who knows about your child.

The school will also give you a copy of the procedural safeguards, which explains your rights as the parent of a child who is gifted.

Because it is important that parents help to write the EP, the school will make sure that you know about the meeting. The school must send you an invitation. The school staff may also call you, send electronic mail, or try in other ways to encourage you to come to the meeting.

The day, time, and place for the meeting should be *mutually agreeable*. In other words, the time and place should be good for you and for the school staff. If you get a notice about an EP meeting that you cannot attend, call the school right away. The school staff will try to set up a different day, time, or place. However, the meeting will usually be held during the school day.

If you cannot go to a meeting, ask the school if there is some other way you can give information and share ideas. In many cases, schools will be able to set up telephone calls, a home visit, or some other way of getting your help. If you choose not to help with the EP, the school may go ahead without you. You still have the right to disagree with the EP the school has written for your child. You may also disagree with your child's placement. However, if you help write the EP, it is more likely that you and the school will be able to agree.

It is very important that you and the other EP team members be able to understand each other. There should be an interpreter at the meeting if you do not speak English, or if you use sign language. Let the school staff know what you need. They will get an interpreter for you. You may bring someone you know to interpret for you, if you wish.

Here are some things you can do to get ready for the EP meeting:

- Watch your child at home. Make notes on the Observation Guide on pages 102 and 103. This will help you plan what you want to say at the meeting.
- Visit your child's class and watch your child work. (Call the school first.)
- Read over all the records you have kept. You may want to take them along with you to the meeting.

- Ask to look at the records the school has kept. (See **chapter 3**.)
- Talk with other people who have worked with your child, such as doctors, baby-sitters, relatives, or child care staff.
- Ask for information about the EP form and the EP meeting.

See pages 102 and 103.

## DURING THE MEETING

*Feel free to make suggestions and ask questions at any time during the meeting. You are part of the team...*

There will usually be one person who acts as team leader. This person will remind everyone of the purpose of the meeting. The team leader may also set a time when the meeting will end. To begin the meeting, each person should tell who he or she is and what he or she does. If this does not happen, ask for this information.

There is no one best way to write an EP. Usually the team will share basic information such as your child's age, grade and current class, and referral information. Then most EP teams like to discuss the results of the individual evaluation. At this point, the discussion can go in any one of several directions. The important thing to remember is that each of the kinds of information listed on page 26 must be discussed and written into the EP during the meeting.

Present levels of performance, goals, benchmarks or objectives, services, and measurement of progress toward goals are all related. These parts of the EP are usually discussed together.

Initiation, duration, frequency, and location of services are closely related. These items, along with the names of the people who will set up the services, are usually discussed during the same part of the meeting. These decisions determine your child's placement. After everything else is complete, each team member may be asked to sign the EP.

You should feel free to make suggestions and ask questions at any time during the meeting. You are part of the team.

Here are some other things to keep in mind during the meeting.

- The EP must actually be written *during* the EP meeting. However, team members may bring notes for discussion purposes.
- Each team member has something to share and should have a chance to say what he or she thinks.

- You are free to disagree with any part of the EP. If you disagree, try to do so in a helpful way—make suggestions instead of getting angry or upset.
- If team members cannot agree on one part of the EP, go on to other parts—you can come back to the problem area later.
- If the team needs more time to complete the EP, there can be more than one meeting.
- When you sign the EP, it does not mean you agree with the EP. It means you were at the meeting. (If you do not agree with the EP, you may want to write that on the EP.)
- The school will give you a free copy of the EP.

See pages 104 and 105.

## AFTER THE MEETING

*You will want to help your child get ready for the new services...*

After the first EP is written, the school staff will ask you to give informed written consent for placement. If you and the school have not been able to agree on parts of the EP, there are several things you may do:

- Ask for another EP meeting.
- Ask for additional evaluations.
- Talk with the school principal or the [ESE administrator](#) in your school board office.
- Ask someone outside the school to help you—a friend, other parents, a parents' group.

If these things do not work and there are still problems with the EP, you or the school may ask for a [due process hearing](#). (See page 55.)

After the *first* EP is written and you have given your written consent for placement, the school will begin the services. The EP will list the date when each service is expected to begin. You may want to check to be sure that all the plans are being carried out.

You will want to help your child get ready for the new services. Talk with your child about the services. If your child will be receiving services from a different teacher or in a different classroom or school, you may want to take your child to meet the new teacher or see the new room. (Call the school first.) You will want to help make sure your child feels good about the new services.



# BEGINNING SPECIAL SERVICES

*You will need to stay in touch with people at the school to know exactly when the services will begin...*

After an EP has been written, the special services must begin on the date the EP team has agreed on. The school may need a little time to get ready.

- Teachers will want to plan for your child.
- The school may need to change schedules or get special materials ready.
- Sometimes the school will need to make arrangements for special transportation.

These things should not take more than a few days. Stay in touch with people at the school to know exactly when the services will begin. If things seem to be taking too long, talk with the school principal or the ESE administrator in your school board office.

After your child has started the new services, you will want to watch his or her progress and continue your involvement. Here are some ways you can do this.

- Ask the teachers to send you notes about how your child is doing.
- Keep in touch with the teachers—find out what you can do at home to help your child.
- Visit your child's class. (Call the school first.)
- Let your child know that you are interested in his or her school work.

Problems do come up sometimes. Your child may not do as well as you and the school staff had hoped. Work with the teachers to solve the problems. They will want your help and will welcome your interest. If you need more help, speak to the principal or other administrator at the school. Most of the time, you and the school together will be able to make the EP work. If you have tried everything you know to do and still have not been able to solve the problems, here's what you can do:

- Ask for changes in the EP. (See EP Review Meeting, page 40.)
- Ask for another individual evaluation. (See **chapter 3**.)
- Write your concerns in a note or letter to the ESE administrator in your school board office.
- Ask for a *due process hearing*. (See page 55.)
- File a *complaint* with the Florida Department of Education. (See page 60.)

See pages 106 & 107.

# EP REVIEW MEETING

*You and the school should agree about the changes made in the EP at the time of the review...*

The school must hold an EP meeting at least once every three years or at transition times to review your child's progress and to develop a new EP. Your child's services and placement will also be reviewed at this meeting.

The EP team will review your child's current EP and discuss questions such as these:

- What progress has your child made?
- What additional services are needed for your child to be successful and make progress?
- Which goals has your child mastered? Which goals need to be changed? Which goals can be added?
- Do the services or supports need to be changed?
- Does your child's placement need to be changed?
- Is there a need for more evaluations?
- Does your child still need ESE services?

The process for developing a new EP is much like the process for developing the first EP. One difference is that after the first EP was written, the school asked for your written consent for placement. You will not be asked to give your written consent for placement after later EP meetings, even if your child's placement changes.

Although EP meetings must be held at least once every three years or at transition times, they may be held more often. For example, an EP meeting must be held any time you or the school wants to change your child's services or placement. Anyone who sees a need may ask for a review meeting at any time. Here are some reasons you might ask for a review meeting:

- Your child is not making as much progress as expected.
- Your child is making more progress than expected.
- Your child needs services for more time or less time.

- □ Your child's needs have changed.
- □ New information about your child is available that could impact the EP.

If you wish to ask for an EP meeting, you may want to write to the school to explain why a meeting is needed. The school must hold an EP meeting if you ask for one. If your request is turned down, the school district must tell you why in writing and tell you how to get a copy of your procedural safeguards. If you cannot resolve your disagreement with the school, you may ask for a due process hearing. (See **chapter 3**.)

You will want to prepare for any EP review meeting in the same way you prepared for the first EP meeting. Look at your own records and the school's records again. You may want to visit your child's classes and talk with the teachers. (Call the school first.) Check over your Observation Guide on pages 102 and 103. Make notes about anything that has changed. Make a list of things you want to say or suggestions you have for changing the EP. You and your child's teachers may want to share information and discuss ideas before the EP meeting, as well.

**See pages 102 & 103, and page 108.**

# HOW PARENTS CAN HELP

*Because you know your child better than anyone does, it is important that you help the school to meet your child's needs...*

The laws and rules about educating children who are gifted are meant to help make sure your child gets special services that will meet his or her learning needs. But laws and rules are not enough. The best services, the best EP, and the best efforts of the school staff are not enough. Parents must do their part so that the services listed on the EP will have a chance to work. Because you know your child better than anyone else, it is important that you help the school to meet your child's needs.

Here are some of the things the school expects of you.

- If you have promised to go to a meeting, be there on time or let the school know that your plans have changed.
- Come to meetings prepared to discuss your child's strengths and needs.
- Share your ideas and information when you are at a meeting. Ask questions when you don't understand.
- Listen carefully to others—keep an open mind.
- If you disagree, do so in a helpful way—be able to explain why you disagree. Make alternative suggestions.
- Read the letters and notices you get from the school.
- Think carefully about the decisions you are asked to make.
- Do the things that you have agreed to do, or let the school know you can't.

There are things that can be done only by you at home. It is sometimes a good idea to put these things into the EP. This helps everyone know who is going to do what. If you have agreed to do something as part of your child's EP, you will want to keep in touch with the school. Let them know how things are going and whether your part of the EP is working.

There are other things you will want to do, even if they are not written into the EP:

- Show your child you are interested in his or her school work.

- Send your child to school on time every day.
- Make sure your child has the things he or she needs for school—pencils and notebook, for example.
- Read with your child every day.
- Make sure your child gets enough sleep at night.
- Make sure your child eats nutritious meals.
- Keep in touch with your child's teachers and ask about your child's progress.
- Go to parent education meetings whenever you can.

As you work with your child's school, you will find many other things that you can do to help.

## FINAL COMMENT

The EP is one of the most important tools that schools and parents have to help them work together. The EP will only be as good as the effort that is put into it. If you take the time to prepare for and go to the meetings, it will pay off for your child. The school will welcome your interest and participation.



# 3.

## *SOLVING PROBLEMS*

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# WHAT ARE PROCEDURAL SAFEGUARDS

*Procedural safeguards give parents and schools a set of rules to help them work together..*

This chapter will help you understand the rights and responsibilities that go along with exceptional student education (ESE) for students who are gifted. Florida law says that as the parent of a child who is gifted, you have certain procedural safeguards. These are rules about what procedures the school (and parents) must use in making decisions about a child's ESE gifted services.

The procedural safeguards can be hard to understand—even for attorneys and judges. Along with reading this chapter, you may want some training or other help. The ESE administrator in your local school district office will be happy to tell you where you can get help or training.

Procedural safeguards are designed to make the ESE process fair for you and the school and to help make sure your child receives a free appropriate public education. Procedural safeguards give parents and schools a set of rules to help them work together. The procedural safeguards also give parents and schools ways to solve problems and settle disagreements.

Procedural safeguards were put into the laws and rules to help parents and schools. If you have good reason to believe that your child has not been treated fairly, you should make use of your rights, including your right to a due process hearing. There are people who will help you do this. Many of the groups listed in **chapter 4** will be able to work with you.

The procedural safeguards give responsibilities to both schools and parents. The procedural safeguards are not concerned with what is easy for schools or for parents. They are concerned with what is best for the student.

If you have read **chapter 1**, you already know that you and your child who is gifted have many rights, such as the rights to

- a free appropriate public education
- a complete, fair individual evaluation

- an [educational plan \(EP\)](#)
- a regular review of student progress.

The procedural safeguards also give you, your child, and the school specific rights during each part of the ESE process that was described in **chapter 1**. These rights are explained in the section that begins on page 60. If you would like to know more, you can obtain the documents listed below from the Clearinghouse Information Center (CIC) at the address listed on the inside front cover of this booklet.

## READING MATERIALS

- **"Summary of Procedural Safeguards for Students Who Are Gifted"**—A booklet that explains the rights given to students who are gifted. (Request CIC item number 310581.)
- ***Volume I-B: Florida Statutes and State Board of Education Rules***—Contains the text of Florida's laws and rules related to the education of students with exceptionalities. (Request CIC item number 302079.)
- ***Special Programs and Procedures for Exceptional Students***—Each local school district has its own set. (Request this from your local school district.)

# KINDS OF PROCEDURAL SAFEGUARDS

*You have the right to help make certain decisions about your child's education...*

There are three kinds of procedural safeguards that will be especially important to you and your child who is gifted:

- the right to have written notice
- the right to participate
- the right to give or not give consent.

You will have the opportunity to use these rights at various times during your child's education.

## THE RIGHT TO HAVE WRITTEN NOTICE

Written **notice**—A written communication from the school to the parents describing an action the school plans to take that will affect their child's education.

There are many times when the school must give you a written notice. This notice may tell you what the school plans to do for your child, or it may tell you about meetings that will be held or decisions that have been made. The school staff must send you a written notice any time they propose to (or refuse to) begin or change your child's **identification**, evaluation, educational services, or **placement**. You will get a notice from the school when

- the school has agreed to, or turned down, a request you have made
- the school wants to individually evaluate your child
- the school district staff have decided, at an **eligibility staffing** meeting, that your child is or is not **eligible** for ESE
- the EP team has decided to change your child's services or placement
- the EP team has decided to dismiss your child from ESE.

The notice must

- be written in a way that is easy for you to understand
- tell you what the school plans to do (or refuses to do)
- tell you why the school plans to take or refuses to take the action
- explain any other options the school considered and why they were rejected
- describe any evaluation procedure, test, record, report, or other factor the school used to make the decision
- tell you how you can get a copy of the procedural safeguards
- tell you what to do if you do not agree with what the school plans to do
- be sent in plenty of time for you to make your own plans
- tell you who to call if you do not understand the notice.

If you understand and agree with what is in the notice, there is very little you need to do. Keep the notice in your file. Plan to go to any meeting you have been asked to attend. If you do not understand the notice, call the school right away. Someone there will explain what the notice means. If you do not agree with what the school district proposes or refuses to do, there are many things you can do.

- First, contact the person named in the notice.
- Then, talk with the principal.
- Next, ask for a meeting, such as another eligibility staffing or *EP meeting*.
- Then, call the *ESE administrator* in your local school district office.
- You may need to write a letter to explain your point of view. (See the sample letter on page 89.)
- Finally, if you and the school still cannot agree, you can ask for a due process hearing. (See page 55.)

## THE RIGHT TO PARTICIPATE

*Participation*—The act of sharing, joining, or working with others to make decisions or complete a task (such as writing an EP).

You have the right to help make certain decisions about your child's education. The school must ask you to participate whenever there is a meeting related to the services and placement of your child or to the provision of a free appropriate public education to your child. The school will ask you to participate in any meeting to

- write or review your child's EP
- make decisions about your child's placement or services.

The school may also ask you to participate in

- the evaluation of your child
- parent education meetings
- meetings with teachers or other school staff members.

Sometimes, *you* may ask the school to set up a meeting. No matter who asks for the meeting, when you participate, you make it easier for the school to serve your child. When you participate you will want to

- share information about your child and your child's needs
- listen to and think about what other people are saying
- ask questions
- keep notes or records about the meetings
- share your ideas about what can be done to help your child
- make sure you understand what is going to happen next.

Meetings should be held in your own language. If you use sign language, an interpreter should be provided. Be sure to let the school know before the meeting if you need an interpreter. You may bring someone to interpret, if you wish.

Whenever you are asked to participate, you will want to prepare. You will want to read over your own records. You may want to study parts of this book. You can visit your child's class and talk to your child's teachers. (Call the school first.) Make notes about things you want to say or questions you want to ask. Take them along with you to the meeting. You may also want to take someone with you to the meeting—such as a friend, relative, or other person who has knowledge of your child and can help you.

## THE RIGHT TO GIVE OR NOT GIVE CONSENT

**Consent**—*Parents' agreement to let the school take an action that affects their child's education.*

For some actions, the school staff only have to let you know what they have decided to do or not do (give you notice). If you disagree with the decision and cannot work the problem out with the school, you may ask for a due process hearing (see page 55) in order to stop the school from taking or refusing to take that action. However, school staff must have your informed written consent before they take the following actions:

- do an individual evaluation of your child
- place your child and provide ESE services for the first time.

When you give your consent it means you agree to let the school staff do something for your child. You will be asked to sign a form that says you agree to what the school is planning. Sometimes consent is called “permission.”

When you are asked to give your informed written consent, the school staff must

- explain what they want to do, in your own language or in a way that you understand
- tell you that you have the right to say “No”—that you do not have to give your consent if you don’t agree
- tell you that you have the right to change your mind at any time *before* the activity occurs—even after you have signed a form
- give you a copy of your procedural safeguards, if they are asking for your consent for your child to be individually evaluated.

You will want to think very carefully about whether to give your consent. After all, you are making very important decisions about your child’s education. You will also want to remember that if you decide not to give consent, or if you change your mind after signing the form, the school may ask for a due process hearing. (See page 55.)

You have several choices when the school asks for your informed written consent.

- You may agree and sign the form.
- You may ask for more information.
- You may ask for time to think about what is best for your child. You may want to talk with other parents or friends or ask for advice from someone outside the school. (The school staff will usually give you more time if you ask for it.)
- You may ask the school staff to change parts of what they are planning. They will either make the change or decide that they can’t make the change. If the school staff refuses to make the change, they will let you know in writing.
- You may decide not to give consent. Be sure that the school staff understand your reasons for this decision. (The school staff may try to help your child in another way, or they may ask for a due process hearing. The school staff will ask for a due process hearing only if they believe it is best for your child.)

Most of the time you and the school staff will be able to work together to make changes and agree on what will be done.

Remember, for *some* actions, the school must give you a written notice but does not need your consent. However, the school staff should ask for your input. Here are some things the school *can* do without your consent:

- hold an eligibility staffing or an EP meeting (You must be invited to participate in EP meetings.)
- change your child's placement or services. (Any change in placement must be based on the decision of the EP team, of which you are a member. You must be given notice of a change.)

# STEPS IN SOLVING PROBLEMS

*Due process hearings and formal complaints have the same purpose—to solve problems...*

From time to time you and the school staff may disagree about what is fair or best for your child. Some problems can be solved quickly. Others will take more time and effort.

The first step in solving a problem is to make sure that everyone understands the problem. Asking for a meeting is often the best thing to do when you don't understand something or think the school doesn't understand you. Knowing whom to talk to is very important. Many times talking to the right person will help. *Be sure to give that person enough time to research the question or try to solve the problem before you contact the next person.*

If the problem has to do with something in the classroom, take these steps:

- First, talk to your child's teacher.
- Then, talk to the principal of the school.
- Next, call the ESE administrator in your local school district office.

If the problem has to do with finding appropriate services for your child, evaluation, or eligibility, take these steps:

- First, talk to the guidance counselor or principal of the school.
- Then, contact the person in charge of evaluations or eligibility staffings in your local school district office.
- Next, call the ESE administrator in your local school district office.
- Then, contact the superintendent of your school district.

If the problem has to do with the EP or changing your child's services or placement, take these steps:

- First, talk with your child's teacher.
- Next, talk with the principal of the school.

- Then, ask for an EP meeting.
- Next, contact the ESE administrator in the local school district office.
- Then, contact the superintendent of the school district.

If other problems come up, find out who has the power to make decisions about those problems and talk to that person. Taking a complaint to someone who cannot make decisions is a waste of time for both you and your child.

If talking to people and attending meetings do not solve the problems, here are other steps you can take:

- If your child's evaluation or service has not begun yet, you may revoke (take back) your consent to it.
- You may ask for another evaluation. (See the sample letter on page 87.)
- You may pay to have your child privately evaluated. Then you can ask for another eligibility staffing meeting. The team will consider the information you have provided.

It usually helps to take these actions in writing. Be sure to give your reasons and to ask for a written answer.

If you and the school district are still not able to solve the problem, you may decide to take one of these steps, depending on the type of problem:

- If you and the school district cannot resolve a disagreement about your child's evaluation, eligibility, placement, services, or EP, you or the school district may ask for a due process hearing. (See page 55.)
- If you believe that the school district has violated a *law* related to the education of children who are gifted, you may file a formal [complaint](#) (See page 60.)

Due process hearings and formal complaints have the same purpose—to solve problems. They are not designed to punish the school or anyone else. They are designed to ensure that children who are gifted receive a free appropriate public education.



# DUE PROCESS HEARING

*A hearing should be held only when there is no other way for you and the school to agree...*

The right to a due process hearing is given to parents and school districts as a way of helping them resolve disagreements about a child's evaluation, eligibility, placement, educational services, or EP. The due process hearing is a meeting. It is run by a person called an administrative law judge. The administrative law judge does not work for the local school system. The administrative law judge cannot know the student or be a friend or relative of the family. At the hearing, the administrative law judge will

- listen to you tell what you want and why
- look at the school district's records and your records
- listen to people from the school district explain their point of view
- ask questions

After the hearing, the administrative law judge will make decisions based on the laws and rules—and based on what seems best for your child.

The due process hearing is not a trial or court. However, as in court, certain rules apply:

- You have the right to have a lawyer or other person to help you.
- A lawyer will represent the school district.
- You and the school district may have witnesses to help explain things to the administrative law judge.
- You and the school district may show evidence to the administrative law judge.

**It can take a lot of time and work to hold a due process hearing.** It can also be very hard to follow all the rules for a hearing. A hearing should only be held when there is no other way for you and the school district to solve your disagreement.

It may take up to calendar 45 days from the time you ask for a hearing to actually have the hearing and get a decision from the administrative law judge. During this time, your child will stay in his or her present placement, if he or she is in school. This is called your child's stay put placement. Of course, you and the school district can agree to make a change

if you both feel it is a good idea. Otherwise, no change can be made until after the administrative law judge has made a decision. If your child is not already in school, the school district must offer your child a placement until the administrative law judge makes a decision.

While you are waiting for the hearing, you can try to work things out in other ways. You can use some of the ideas for **solving problems** on page 53.

## **BEFORE THE HEARING**

If you ask for a hearing, you will need to fill out a request for due process hearing form. (See the sample form on page 91.) Call the ESE administrator in your local school district office before you send in the form. Let him or her know what you plan to do. If the school district staff are asking for the hearing, they will send you a written notice. In either case, there are many things you will need to do to get ready for the hearing.

### **Decide about Getting Help**

Because it is important that you know how to present your case at the hearing, you will probably want to have someone help you get ready. You will also probably want someone to go to the hearing with you. There are many places to get help.

- The school district will give you a list of places to get free or low-cost legal services. Ask for this list.
- Many of the groups listed in the Directory that begins on page 81 will help you to get ready for a hearing. (Sometimes people from these groups are called “advocates.”)
- Check with a local college or university. Sometimes a professor in the special education department will be able to help you.

You do not have to have a lawyer or other advisor, but many times it will be helpful. The school district staff will have a lawyer to help them.

### **Check Time, Place, and Other Details**

The time and place for the hearing must be set so that you can be there. You will decide whether your child should be at the hearing. You will also be asked to decide whether the hearing should be open or closed to the public.

### **Collect Evidence**

At the hearing, you will try to prove to the administrative law judge that you are right. The school district staff will try to prove they are right. You will need evidence to show to the administrative law judge.

Evidence is material that helps to explain your point of view. Here are some types of evidence:

- evaluation reports
- samples of your child's work
- records
- pictures
- letters
- tape recordings
- notes

The evidence can come from your Parents' Record file, from the school, or from a place such as a doctor's office or day care center. You must show all your evidence to the school district at least five days before the hearing. If you do not do this, you cannot show the evidence to the administrative law judge. The school district staff must show you all their evidence five days before the hearing. If they do not do this, they cannot show their evidence to the administrative law judge.

### Get Witnesses

You will want to have other people help explain your point of view to the administrative law judge. Witnesses can be

- friends or relatives
- experts—people with special training in ESE
- people from the school
- people from outside the school who have worked with your child

You will want to remember these rules about witnesses:

- You and the school district staff must give each other a list of your witnesses at least five days before the hearing.
- You should have a witness to talk about each piece of evidence you plan to use. For example, if you use an evaluation report as evidence, the person who wrote the report should be a witness at the hearing.
- If someone refuses to be a witness for you, the administrative law judge can make that person come to the hearing.

## DURING THE HEARING

The administrative law judge will run the hearing. There are several ways to do this. However, these things will happen in every hearing.

- You and the school district staff will be asked to explain the problem and what you want to happen.
- You will explain your point of view, ask your witnesses questions, and show your evidence.
- The school district staff will explain their point of view, ask their witnesses questions, and show their evidence.
- You will ask questions of the school district's witnesses.
- The school will ask questions of your witnesses.
- The administrative law judge may ask questions of anybody and look at the evidence.
- You and the school district will get another chance to explain your point of view.

If you think that anything about the hearing is unfair, tell the administrative law judge right away.

## AFTER THE HEARING

The administrative law judge will not make the decision during the hearing. You and the school district will have to wait to get a written decision. The decision should come to you no later than calendar 45 days after you first asked for the hearing. The administrative law judge's written report will

- list the facts—the things he or she found to be true
- give the reasons for his or her decisions—the laws or rules that he or she used
- state the decisions he or she has made to solve the problem

Both you and the school district will get free written copies of this report. If you prefer, you may ask for a free taped version of the report. You also may ask for a free written or taped, word-for-word record of the hearing.

If you do not agree with the administrative law judge's decision, or if you feel the hearing was unfair, you have the right to go to court. You have several choices:

- You may file an appeal and request a trial in state circuit court. (You must file a written notice within 30 days of the time you get a copy of the administrative law judge's decision.)
- You may request that the decision be reviewed by the state district court of appeal.

Before filing an appeal, you should get legal help.

**Note:** School districts are also allowed to file appeals.

**See pages 114 & 115.**

# FORMAL WRITTEN COMPLAINT

*Parents may also try to solve problems by filing a formal complaint...*

Due process hearings are designed to help parents and schools solve *disagreements* about a child's evaluation, eligibility, placement, or services. (See page 55.) In contrast, if you believe the school district has *violated the requirements of state law* relating to the education of students who are gifted, you may file a formal **complaint** with the Florida Department of Education (DOE). (See the sample letter on page 93.) You will probably want to call **DOE at 850-245-0475** for more information before filing a complaint.

DOE staff will encourage you to try other ways to solve the problem. However, if you decide to file a formal written complaint, your complaint must

- describe how the school district has violated a requirement of law
- explain the facts of the situation as you understand them
- be about a violation of law that occurred not more than one year before you filed the complaint.

During the complaint process, DOE will ask you to explain your complaint over the phone or in writing. DOE will investigate to find out if the school district has broken the law. Someone from DOE may visit the school. Within 90 calendar days after the date of your complaint, DOE will issue a written decision. The decision will

- list the facts—the things DOE found to be true
- give the reasons for DOE's decisions—the laws or rules used
- state the decisions DOE has made to solve the problem

If there is also a due process hearing about the issues, the issues will be decided through the due process hearing, not the complaint process. If the issues have already been decided through a due process hearing, the decision will not be reconsidered through the complaint process.

**See pages 116 & 117.**

# PLANNING YOUR CHILD'S EDUCATION— PROCEDURAL SAFEGUARDS

The process of planning your child's education was described in **chapter 1**. You and your child have specific procedural safeguards at each step. On the following pages, questions about your procedural safeguards are answered. If you have questions about the process, read **chapter 1** again or ask someone to help you.

## 1: REFERRAL FOR INDIVIDUAL EVALUATION

*A teacher, parent, or other person asks for a child to be given an individual evaluation.*

### *How can parents participate?*

- If your child's needs are not being met, you may talk to the teacher or other school staff about getting help for your child, such as academic or behavioral interventions.
- You may refer your child for an individual evaluation. (See the sample letter on page 87.)
- You may ask for a meeting about the [referral](#).

### *What can parents do if there are problems?*

- Talk with your child's teacher or the principal.
- Contact the ESE administrator in your local school district office.
- Write a letter. (See the sample letter on page 89.)

### *Who can ask for a due process hearing?*

- You, if the school does not act on your request for an individual evaluation.

## 2: INDIVIDUAL EVALUATION

*Information about a child's strengths and learning needs is collected. The information will be used in the next step, determining eligibility for ESE gifted services.*

### ***Must the school give parents written notice?***

- Yes, if the school plans to do an individual evaluation.
- Yes, if the school turns down your request for an individual evaluation.

### ***Does the school need a parent's informed written consent for individual evaluation?***

- Yes. Even if you asked for the evaluation, the school will ask you to sign a consent form. You may refuse to consent. (However, if you do not respond at all to the notice asking for your consent, the school may do the evaluation anyway.)

### ***How can parents participate?***

- Ask someone at the school to explain what is planned for the evaluation.
- You may be asked to take your child to the evaluation or to stay with your child during the evaluation.
- You can give helpful information to the people who are doing the evaluation.

### ***What can parents do if there are problems?***

- Ask to talk with the people who will do, or have done, the evaluation.
- Discuss the evaluation with someone from your local school district office.
- You can revoke (take back) your consent before the evaluation takes place.
- You can have your child privately evaluated at your expense.

### ***Who can ask for a due process hearing?***

- You, if you are not satisfied with any part of the evaluation.
- You, if the school district will not do an evaluation that you asked for.
- The school district, if you decide not to give consent for an evaluation.



### 3: ELIGIBILITY DETERMINATION

*A team of school staff determines if a child is eligible for ESE gifted services.*

***Does the school need parents' consent to hold an eligibility staffing meeting?***

- No.

***Must parents be invited to the eligibility staffing meeting?***

- No. However, it is best practice to invite parents to meetings at which their child's identification, evaluation, or placement is discussed.

***Will the school give parents written notice of the results of the meeting?***

- Yes. The school must tell you what decisions were made at the eligibility staffing meeting, and why. This includes telling you what special programs, if any, your child is eligible for.

***What can parents do if there are problems?***

- Ask for a meeting so you can get more information or state your point of view.
- Contact the principal.
- Contact the ESE administrator in your local school district office.
- You can have your child privately evaluated at your expense.

***Who can ask for a due process hearing?***

- You, if the school district says your child is not eligible for ESE gifted services but you disagree.

### 4: DEVELOPMENT OF THE FIRST EP

*A team writes a plan that describes the learning needs of a child with a disability, the ESE services the child will receive, and the child's proposed placement.*

***Must parents be invited to the EP meeting?***

- Yes. One invitation to the meeting must be in writing; a second invitation may be given by telephone, by electronic mail, or in person.

***Does the school need parents' consent to hold the EP meeting?***

- No. If you choose not to attend the EP meeting, the rest of the team may go ahead and write the EP without you.

### *How can parents participate?*

- You will want to go to the meeting and help write the EP. If the school staff suggests a meeting time that is not good for you, ask for a different time.
- If it is impossible for you to go to the EP meeting, work with the school through telephone calls, electronic mail, or other methods.

### *What can parents do if there are problems?*

- Ask for another EP meeting. (See the sample letter on page 88.)
- Ask someone from outside the school to help you at the EP meeting.
- Contact the ESE administrator in your local school district office.

### *Who can ask for a due process hearing?*

- You or the school district, if you cannot agree on the services, placement, or other parts of the EP.

## **STEP 5: CONSENT FOR PLACEMENT; SERVICES BEGIN**

*Parents give permission for ESE services to be provided, then services begin.*

### *Does the school need parents' consent for the child's first placement?*

- Yes, the school **does need** your informed written consent for your child's **first** ESE placement. ESE services cannot begin until you give your signed consent for placement or until an administrative law judge decides through a due process hearing that your child should receive services.
- The school **does not** need your consent to *change* your child's services or placement after your child's first ESE placement. However, the school must invite you to any meeting at which such a change will be discussed. The school must also give you notice of such a change.

### *How can parents participate?*

- Visit the classroom. (Call first.)
- Keep in touch with the teachers.
- Help your child at home—ask the teachers how you can do this.
- Let the school know what your child is doing at home.

### *What can parents do if there are problems?*

- Talk to the teacher.
- Talk to the principal.
- Visit the classroom. (Call first.)
- Read the EP again to see if it is being carried out the way it was written.

- Ask for another EP meeting to talk about making changes in your child's services or placement, or in other parts of the EP. (See the sample letter on page 88.)
- Contact the ESE administrator in your local school district office.

### **Who can ask for a due process hearing?**

- You, if you have good reason to believe your child is not getting the services listed on the EP.
- You, if you believe your child should be getting more, or different, services than those already on the EP and the school district disagrees with you.
- The school district, if you decide not to give your consent for ESE services but the school district feels your child needs services.

## **6: DEVELOPMENT OF NEW EP; EP REVIEW**

*An EP meeting is held at least every three years or at transition times to talk about a child's services and placement and to write a new EP. However, an EP review meeting may be held before the time is up, if needed, to consider changing a child's services or placement. Changes in services or placement, including dismissal, can only be decided at an EP meeting.*

### **Must parents be invited to the EP meeting?**

- Yes. The school must ask you to go to all EP meetings. One invitation must be in writing, but another may be given by telephone or electronic mail, or in person.
- The school staff do not have to include you in informal conversations or in meetings about teaching methods, lesson plans, or service provision if those issues are not addressed in your child's EP. The school staff also do not have to include you in meetings at which they develop a proposal or a response to a proposal that will be discussed at a later meeting to which you will be invited.

### **Does the school need parents' consent to hold an EP meeting?**

- No. If you choose not to attend the EP meeting, the rest of the team may go ahead and write the EP without you.

### **How can parents participate?**

- You will want to go to the meeting and help write your child's new EP each year.
- You may ask for an EP review meeting any time you think changes are needed in your child's services, placement, or other parts of the EP.

***Does the school need parents' consent to change a child's services or placement or to dismiss a child from ESE services?***

- No, the school does not need your consent to change your child's services or placement after your child's first ESE placement.

***Must the school give parents written notice of changes in a child's services or placement?***

- Yes. The school will send you a written notice if the EP team decides to change your child's free appropriate public education, including changing your child's services or placement or dismissing your child from any or all of his or her ESE services.

***What can parents do if there are problems?***

- Ask for another EP meeting.
- Talk with the principal.
- Talk with the ESE administrator in your local school district office.
- Write a letter that explains what changes you want in the EP. (See the sample letter on page 88.)
- Write a letter asking the school to change the decision. (See the sample letter on page 89.)

***Who can ask for a due process hearing?***

- You, if the school district wants to make changes you do not agree with.
- You, if the school district refuses to make changes you have asked for.
- The school district, if there are disagreements that cannot be settled in any other way.

# SCHOOL RECORDS

*You have the right to see and read any record the school keeps on your child...*

Schools keep many written records about students. These records contain personal, private information about your child. The Family Educational Rights and Privacy Act (FERPA) and other laws give parents and students many rights related to school records. These rights include

- the right to see your child's records
- the right to have school records kept confidential
- the right to ask that school records be changed
- the right to have a hearing about school records

If you believe the school district has violated school records laws, you may file a complaint with the Family Policy Compliance Office of the United States Department of Education.

## THE RIGHT TO SEE YOUR CHILD'S RECORDS

You have the right to see and read any record the school keeps on your child. You may also have someone else—a friend, relative, or advisor—look at the records if you wish.

- If you ask, the school staff must tell you what records they have on your child. They will also tell you where the records are kept.
- If you ask to see your child's records, the school must show you the records without unnecessary delay and before any meeting about an EP or a due process hearing. In any case, the school must show you the records within 30 calendar days of when you ask to see them.
- The school cannot destroy any records you ask to see before you see them.
- You may ask to have a copy of any record kept by the school. (There may be a small copying charge.)

Someone from the school will explain what is in the records and anything you don't understand.

## THE RIGHT TO HAVE SCHOOL RECORDS KEPT CONFIDENTIAL

School records that have your child's name, birth date, address, or social security number—or your name—on them must be kept confidential. This means these records can only be shown or sent to certain people under certain conditions, such as

- people at the school or school district who have a good reason for seeing them
- other schools or colleges where your child seeks to enroll
- federal, state, or local education authorities
- organizations to which your child has applied for education financial aid
- organizations doing education research

Also, school districts may report crimes committed by juveniles to law enforcement authorities and under certain circumstances may transmit ESE and discipline records to law enforcement agencies.

The school staff will keep a list of who they show or send your child's records to. This list will include the name of the person, when the person used the records, and why the person needed the records. (Your name and the names of people who work at the school do not have to go on this list.) This list will be kept with your child's records, where you can see it.

If someone who is not authorized to see the records wants to see them, you will be asked to sign a consent form. This form will tell you

- who is to get the school records
- which school records they will get
- why they need the school records

Before deciding to sign or not sign the form, you may want to ask

- to see the records yourself
- to talk to the person who wants the records
- to discuss the records with someone at the school
- whether the records will be shown to the person or whether copies will be sent to the person to keep

## THE RIGHT TO ASK THAT SCHOOL RECORDS BE CHANGED

If you see something in the school records that you feel is unfair to your child, you can ask that the records be changed. You should be able to tell why you think there is a problem with the record. You can ask to have something

- added to the record
- taken out of the record
- changed in the record

You should ask for any of these actions in writing. (See the sample letter on page 90.) The school staff will either do what you have asked or send you a letter telling you why they refuse to make the change. They will also tell you that you have a right to a hearing.

## THE RIGHT TO HAVE A HEARING ABOUT SCHOOL RECORDS

You have the right to a hearing if the school refuses to make changes you have asked for in your child's records. This is not a due process hearing. Before asking for this kind of hearing, you will want to

- be sure that you fully understand what the records say—ask someone at the school or outside the school to go over the records with you
- talk to the school principal about the problem—make sure he or she understands what you want and why
- discuss the problem with the ESE administrator in your local school district office
- write a letter about what you want—and ask for a written answer

No matter what is decided at the hearing, you may put a note in your child's school record to explain your point of view. Then whenever the record is released, your note will be released with it.

**See pages 112 & 113.**

**Note:** The school is allowed to keep a permanent record with some information on your child without time limit. Once information that is *not* part of the permanent record is no longer needed to provide educational services to your child, the school staff must destroy it, if you ask them to. However, you will want to think carefully before having records destroyed. They may be needed later.

## FINAL COMMENT

This chapter has described many of your rights as the parent of a child who is gifted. Some of these rights are difficult to understand. The school staff should explain these rights to you as they work with your child. Don't be afraid to ask questions. You may want to ask someone at the school to talk with you about the information in this chapter.

**Chapter 4** tells how you can get more information about gifted education and about your rights.





# 4.

## *RESOURCES*

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# INTRODUCTION

*We hope that the information in this chapter will help you to help your child...*

The information in this chapter adds to, or helps to explain, **chapters 1, 2, and 3**. This chapter is divided into four parts:

- Parents' Dictionary (page 75) gives the meaning of all the underlined words in this book. These words are often used by schools to describe the exceptional student education (ESE) process and children who are gifted.
- Reading Materials for Parents (page 79) is a list of written materials that may help you.
- Where to Go for Help (page 81) lists some groups and agencies that can give you more information.
- Sample Letters (page 85) can help you take the actions described in **chapter 3**.

# PARENTS' DICTIONARY

On the next several pages you will find definitions of words used by people who work with children who are gifted. Each of these words is also used in **chapters 1, 2, or 3**.

The definitions are simplified for use in this book. Different school districts may use these words in somewhat different ways. Always feel free to ask for definitions of words being used to describe your child or your child's education.

**Academic**—Having to do with subjects such as reading, writing, math, social studies, and science.

**Acceleration**—The presentation of curriculum content earlier or at a faster pace than it is presented to most students.

**Administrative Law Judge**—The person who is in charge of a due process hearing and who makes the decisions after the hearing. The administrative law judge is employed by the Division of Administrative Hearings. He or she cannot know the student or be a friend or relative of the family. He or she is a person who is impartial—fair to both parents and the school district.

**Appeal**—A written request for a court to review the decision of an administrative law judge in a due process hearing.

**Assessment**—A way of collecting information about what a student knows and can do and what a student still needs to learn. Assessment may include giving tests, observing the student, and looking at a student's portfolio or work samples.

**Change of Placement**—A change in the type of placement (level of services, not location) listed on the student's EP. Change of placement must be determined during an EP meeting.

**Cognitive**—Having to do with the mental abilities used to gain knowledge.

**Complaint**—A parent's formal written claim that a school district has violated a law related to the education of students who are gifted. Also called "formal complaint" and "formal written complaint."

**Confidential**—Private, not to be seen by others. School records are confidential, so they may be read or used only by school staff members, parents, and others allowed to see them by law.

**Consent**—Parents' agreement to let the school take an action that affects their child's education. In ESE, "consent" usually means "informed written consent."

**Continuum of Services**—The range of possible placements for exceptional students.

**Curriculum Compacting**—Assessing what the student already knows and only teaching the parts of the curriculum that the student does not already know.

**Differentiated Curriculum**—A curriculum that has been modified to meet the needs of students of varying abilities. Gifted education uses acceleration and/or enrichment to provide a differentiated curriculum.

lum to meet the needs of students who are gifted.

**Dismissal**—A decision made at an EP meeting to dismiss a student from ESE services because the student no longer needs those services. The EP team reviews evaluations and other information about the student before making this decision. Parents will receive written notice before services are stopped.

**Due Process Hearing**—A formal meeting held to settle disagreements between parents and school districts about the evaluation, eligibility, placement, services, or EP of a student. The meeting is run by an administrative law judge.

**Duration**—On an EP, this indicates the length of time a student is expected to need a service.

**Educational Plan (EP)**—A written plan that describes the individual learning needs of a student who is gifted and the ESE services, supports, aids, and accommodations and modifications that will be provided to that student.

**Eligibility Criteria**—The requirements a child must meet to be eligible for ESE gifted services. The eligibility criteria are listed in Florida's State Board of Education Rules.

**Eligibility Staffing Meeting**—A meeting at which a group of school staff members decide if a student is eligible for ESE services. This decision is based on evaluation reports and other information. To be eligible, the student must meet the requirements listed in the Florida State Board of Education Rules.

**Eligible**—Refers to a student who meets the requirements for and is in need of ESE programs and services. The decision is based on State Board of Education rules.

**Emotional**—Having to do with feelings and the way one responds to and expresses feelings.

**Enrichment**—The presentation of curriculum content with more depth, breadth, complexity, or abstractness to meet the needs of gifted students.

**EP**—See "educational plan."

**EP Meeting**—A meeting held at least every three years or at transition times to write a student's EP. Changes in a student's goals, services, or placement must be made at an EP meeting.

**EP Review**—A meeting held to discuss changing the EP of a student who is gifted. Any member of the EP team, including the parent, may request an EP review.

**ESE**—See "exceptional student education."

**ESE Administrator**—The leader of a school district's ESE programs. This person works for the whole school district, not just one school.

**Evaluation**—A way of collecting information about a student's learning needs, strengths, and interests. It is used to help decide whether a student has an exceptionality and is eligible for ESE programs and services. It may include giving individual tests, observing the child, looking at records, and talking with the student and parents.

**Evidence**—Pieces of written material (e.g., records, letters, notes, or work samples) that are used by parents or school districts in a due process hearing to help show that their point of view is the right one.

**Exceptional Student**—A student who has special learning needs as described in State Board of Education Rules. This includes students who have a disability and students who are gifted.

**Exceptional Student Education (ESE)**—The name given in Florida to educational programs and services for students with special learning needs (including those who have disabilities and those who are gifted). It is sometimes called “special education.”

**Exceptionality**—Special learning needs; giftedness or a disability.

**FAPE**—See “free appropriate public education.”

**Formal complaint**—See “complaint.”

**Free Appropriate Public Education (FAPE)**—The words used in the federal law (IDEA) to describe the right of a student with a disability to special services that will meet his or her individual learning needs, at no cost to his parents. In Florida, FAPE also applies to gifted students.

**Frequency**—How often a service is provided, such as “twice a week.”

**General Curriculum**—The things that most students are studying. In Florida, the general curriculum is the Sunshine State Standards, which describe what students are expected to know and be able to do at various points in their education.

**General Education**—The classes and activities that most students participate in. It includes academic and vocational education.

**Gifted**—One of the ESE programs in Florida. A student who is gifted has high cognitive abilities, learns more easily than do other students, and needs special services in order to make appropriate educational progress. In order to be eligible for programs and services for students who are gifted, a student must meet all the requirements listed in the Florida State Board of Education Rules and be in need of special education.

**Goal**—A statement in an EP of what a student needs to learn and should be able to learn.

**Hearing Officer**—See “administrative law judge.”

**Identification**—The determination that a student has an exceptionality and what the exceptionality is.

**Impartial**—Fair. An impartial person is one who does not take sides. For example, the person who runs a due process hearing must not work for the school district or be a friend of the parent.

**Individual Evaluation**—See “evaluation.”

**Initiation Date**—The date, month, and year on which a service will begin for a student who is gifted.

**Interventions**—Strategies used to help a student make progress in learning or behavior. This term is often used for strategies implemented to help a student who has been referred, before or instead of evaluating the student's need for ESE services.

**Location**—Where services will be provided, such as "general education classroom."

**Mutually Agreeable**—Acceptable to both the parents and the school. EP meetings must be held at a time and place that is mutually agreeable.

**Notice**—A note or letter to parents about an action the school plans to take that will affect their child's education.

**Objectives**—Statements in an EP that describe small, measurable steps a student must learn or master before the student can reach one of his or her "goals."

**Participation**—Taking part in a task, such as making a decision or writing an EP.

**Placement**—The type of setting in which the child is to receive special services. The placement may include one or more than one classroom or other area in which the student is to receive services for a particular amount of time. "Placement" does not refer to a specific school or a specific location in a school.

**Present Levels of Educational Performance**—Statements in an EP that describe what a student can do or what he or she knows now.

**Procedural Safeguards**—Rules that give parents the rights to participate, have notice, and give consent. The procedural safeguards also determine how parents and schools can resolve disputes through due process or complaint procedures.

**Referral**—A request that a child be given an individual evaluation. A referral may be made by a parent, a teacher, or anyone who has worked with the child.

**School Psychologist**—A professional who conducts evaluations, especially intelligence testing. A school psychologist may also work with classroom teachers, parents, and school administrators on behavior assessments and behavior management.

**Screening**—A way of testing a group of students to find out if any of them need an individual evaluation.

**Social**—Having to do with a student's ability to get along with other people—adults or children. An example of a social skill is being able to play well with other children.

**Special Education**—See "exceptional student education."

**Staffing**—See "eligibility staffing meeting."

**State Board of Education Rules**—The rules developed to implement Florida's laws related to education.

**Stay-Put Placement**—The child's current placement, which the child stays in while a disagreement is being resolved through a due process hearing.

**Sunshine State Standards**—A set of objectives that describe what Florida's students are expected to know and be able to do at certain stages of their school career.

**Witnesses**—Persons who can make statements in a due process hearing that will help to prove to the administrative law judge that a parent's or a school district's point of view is the correct one.

# READING MATERIALS FOR PARENTS

Below is a list of reading materials about ESE and people who are gifted. Some of these materials are free. Many are available from the Clearinghouse Information Center (CIC). (See below under **Collections**.) Important **Laws and Rules** are listed on page 80.

## PUBLICATIONS

"Clearinghouse Information Center Publications Index." Index of mostly free materials on programs for students with disabilities and students who are gifted, and related topics. Available from the CIC.

*Parenting for High Potential*. To subscribe, contact National Association for Gifted Children, 1707 L Street, N.W., Suite 550 [telephone: (202) 785-4268] [website: [www.nagc.org](http://www.nagc.org)].

"Governor's Summer Program for Gifted and High-Achieving Students." Available from the CIC.

"Siga las huellas: Busque los tesoros escondidos en sus hijos" (pamphlet for parents of Spanish-speaking students). Available from the CIC.

"Swiv pitit ou toutan: Chache jwenn tout don li genyen lòt moun pa ka wè" (pamphlet for parents of Haitian-Creole-speaking students). Available from the CIC.

"What Is Exceptional Student Education for Children Who Are Gifted?" Available in English and Spanish from the CIC.

## COLLECTIONS AND ONLINE RESOURCES

**Clearinghouse Information Center (CIC) (Florida Department of Education)**—loan materials; free and at-cost materials—Florida Department of Education, 325 W. Gaines Street, Room 628 Turlington Building, Tallahassee, FL 32399-0400 [telephone: (850) 245-0475; fax: (850) 245-0987; email: [bric@fldoe.org](mailto:bric@fldoe.org); website: [www.myfloridaeducation.com/commhome](http://www.myfloridaeducation.com/commhome)].

**Educational Resources Information Center (ERIC) Clearinghouse on Disabilities and Gifted Education**—information available on particular disabilities, gifted education, inclusion, and other topics; prepackaged and customized bibliographies available—Council for Exceptional Children, 1920 Association Drive, Reston, VA 20191-1589 [telephone: (800) 328-0272] [website: [www.ericec.org](http://www.ericec.org)] [email: [ericec@cec.sped.org](mailto:ericec@cec.sped.org)].

**National Association for Gifted Children**  
1707 L. Street, NW, Suite 550  
Washington, DC 20036  
(202) 785-4268  
email: [nagc@nagc.org](mailto:nagc@nagc.org)  
web: [www.NAGC.org](http://www.NAGC.org)

## LAWS AND RULES

**The Family Education Rights and Privacy Act (FERPA).** Available from CIC as part of *Volume I-C*. (See below.)

**Florida Educational Equity Act**—Florida's civil rights protection act. Available from the Florida Department of Education, Equal Educational Opportunity Program, 325 W. Gaines St., Room 1020 Turlington Building, Tallahassee, FL 32399-0400 [telephone: (850) 488-6217] [website: [www.myfloridaeducation.com/eeop/eeop.html](http://www.myfloridaeducation.com/eeop/eeop.html)].

**Special Programs and Procedures for Exceptional Students**—available for review at the ESE office of your local school district.

"Summary of Procedural Safeguards for Students Who Are Gifted"—pamphlet that summarizes laws on parents' rights. Available in English and Spanish from the ESE office of your local school board or from CIC.

*Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Special Programs.* Available from CIC.



# WHERE TO GO FOR HELP (DIRECTORY)

Many organizations and agencies offer information and services to parents of children with exceptionalities. On the next pages you will find just a few of them. Any of the groups listed will be happy to answer questions or give you information.

## LOCAL

**Administrator, Exceptional Student Education** (Contact local school board or district office for address and telephone number.)

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Telephone Number) \_\_\_\_\_  
(Email Address) \_\_\_\_\_

**Florida Diagnostic and Learning Resource System (FDLRS)** (Contact exceptional student education administrator for address and telephone number.)

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Telephone Number) \_\_\_\_\_  
(Email Address) \_\_\_\_\_

**Program Chairperson, Special Education or Exceptional Student Education Department at local college or university**

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Telephone Number) \_\_\_\_\_  
(Email Address) \_\_\_\_\_

**County-wide gifted parent organization**

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Telephone Number) \_\_\_\_\_  
(Email Address) \_\_\_\_\_

## STATE

Some of these organizations may have local chapters or be part of a national organization. Check your telephone directory or contact the organization directly.

### **FLAG Florida Association for the Gifted**

734 Jefferson Drive  
Lakeland, FL 33801-5637

### **Florida Department of Education Bureau of Instructional Support and Community Services**

325 W. Gaines Street  
Room 614 Turlington Building  
Tallahassee, FL 32399-0400  
(850) 245-0475  
web: [www.myfloridaeducation.com/  
commhome](http://www.myfloridaeducation.com/commhome)

### **PALS Parents for Able Learner Students**

5101 Lake in the Woods Blvd.  
Lakeland, FL 33813  
(863) 647-3003  
email: [pals222@earthlink.net](mailto:pals222@earthlink.net)  
web: <http://come.to/gifted>

## NATIONAL

### **American Association for Gifted Children**

Duke University  
Box 90270  
Durham, NC 27708-0270  
(919) 783-6152  
[www.AAGC.org](http://www.AAGC.org)

### **Council for Exceptional Children**

1110 N. Glebe Rd.  
Arlington, VA 22201-5704  
(703) 264-9474  
(888) 232-7733  
email: [service@cec.sped.org](mailto:service@cec.sped.org)  
web: [www.cec.sped.org](http://www.cec.sped.org)

### **International Parents' Organization (IPO)**

3417 Volta Place, NW  
Washington, DC 20007  
(202) 337-5220  
(voice/TDD)

### **National Association for Gifted Children**

1707 L. Street, NW, Suite 550  
Washington, DC 20036  
(202) 785-4268  
email: [nagc@nagc.org](mailto:nagc@nagc.org)  
web: [www.NAGC.org](http://www.NAGC.org)

### **Office for Civil Rights**

U.S. Department of Education  
61 Forsythe Street, Suite 19T70  
Atlanta, GA 30303  
(404) 562-6350



# SAMPLE LETTERS

The Sample Letters that follow can help you take the actions described in **chapter 3**.

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- Asking for an EP Review Meeting ..... 88
- Asking the School to Change a Decision ..... 89
- Asking the School to Change Records ..... 90
- Asking for a Due Process Hearing ..... 91
- Filing a Formal Complaint..... 93

## SAMPLE LETTER—ASKING FOR AN INDIVIDUAL EVALUATION\*

(Your Address)

(Your Phone Number)

(Today's Date)

Mr./Ms. \_\_\_\_\_

Principal

(Name of School)

(Address of School)

Dear \_\_\_\_\_ :

I am the parent of \_\_\_\_\_ , age \_\_\_\_\_ , who is a student in grade \_\_\_\_\_ at \_\_\_\_\_ School. I have reason to believe that my child has special needs that are not being met by his/her current school program. Please arrange to have my child evaluated as quickly as possible, so that appropriate services can be provided.

Please let me know when this evaluation will take place.

Thank you.

Sincerely,

(Your Name)

cc: Administrator, Exceptional Student Education

### This Letter May Be Handwritten

\*Adapted from *Education for All: A Training Module for Parents and Advocates of Handicapped Children*, South Carolina Protection and Advocacy Training and Technical Assistance Project.

## SAMPLE LETTER—ASKING FOR AN EP REVIEW MEETING\*

(Your Address)

(Your Phone Number)

(Today's Date)

Mr./Ms. \_\_\_\_\_

Principal (or Counselor)

(Name of School)

(Address of School)

Dear \_\_\_\_\_ :

I am the parent of \_\_\_\_\_ , age \_\_\_\_ , who is a student in grade \_\_\_\_ at \_\_\_\_\_ School. I think that there should be a change in my child's educational plan. I am asking for a meeting to talk about this and to write a new EP.

Please let me know when the meeting will be held.

Thank you.

Sincerely,

(Your Name)

cc: Principal of School

### This Letter May Be Handwritten

\*Adapted from *Education for All: A Training Module for Parents and Advocates of Handicapped Children*, South Carolina Protection and Advocacy Training and Technical Assistance Project.

## SAMPLE LETTER—ASKING THE SCHOOL TO CHANGE A DECISION

(Your Address)

(Your Phone Number)

(Today's Date)

Mr./Ms. \_\_\_\_\_

Administrator, Exceptional Student Education

(Name of School Board)

(Address of School Board Office)

Dear \_\_\_\_\_ :

I am the parent of \_\_\_\_\_ , age \_\_\_\_\_ , who is a student in  
grade \_\_\_\_ at \_\_\_\_\_ School. I got a notice from the school on  
\_\_\_\_\_ (date) about \_\_\_\_\_

I do not agree with this notice. I have talked with the people at the school. I am asking for  
a meeting to talk about this.

Thank you.

Sincerely,

(Your Name)

cc: Principal of School

**This Letter May Be Handwritten**

**SAMPLE LETTER—  
ASKING THE SCHOOL TO CHANGE RECORDS**

(Your Address)

(Your Phone Number)

(Today's Date)

Mr./Ms. \_\_\_\_\_

Principal

(Name of School)

(Address of School)

Dear \_\_\_\_\_ :

I am the parent of \_\_\_\_\_ , age \_\_\_\_\_ , who is a student in grade \_\_\_ at \_\_\_\_\_ School. I have read the school records about my child. These records were explained to me by \_\_\_\_\_ (name of person) on \_\_\_\_\_ (date) . I have reason to believe that part of the school records are not fair to my child. Therefore, I am asking that you \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Please let me know what action you will take in answer to this request.

Thank you.

Sincerely,

(Your Name)

cc: Administrator, Exceptional Student Education

**This Letter May Be Handwritten**





A due process hearing would not be necessary if the district would do the following:

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Another possible solution would be:

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Return completed form to the superintendent of your local school district.**

## SAMPLE LETTER—FILING A FORMAL COMPLAINT

(Your Address)

(Your Phone Number)

(Today's Date)

Mr./Ms. \_\_\_\_\_

Chief, Bureau of Instructional Support and Community Services

Florida Department of Education

325 W. Gaines St., Room 614

Tallahassee, FL 32399-0400

Dear \_\_\_\_\_ :

I am the parent of \_\_\_\_\_ , age \_\_\_\_\_ , who is a student in grade \_\_\_\_\_ at \_\_\_\_\_ School. I wish to file a formal complaint against the \_\_\_\_\_ school district. I believe that the school district has violated the law in the following way: \_\_\_\_\_

\_\_\_\_\_ .  
Please let me know as soon as possible what I should do next.

Thank you.

Sincerely,

(Your Name)

cc: Superintendent, \_\_\_\_\_ School District

**This Letter May Be Handwritten**



# 5. *PARENTS' EDUCATIONAL RECORDS*

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# WHY KEEP RECORDS?

*This chapter is meant to be used. In it you can write important information about your child and your child's education...*

It is very important that you keep records of steps you take, and steps the school takes, to make sure your child gets the education he or she needs. This chapter is meant to be used. In it you can write important information about your child and your child's education.

The parents' record pages in this chapter will help you keep track of meetings and decisions that are part of the process of planning and continuing your child's education. This process is described in the earlier chapters of this book. Each page in this chapter goes with a particular part of this book.

You may want to make copies of some pages to use in future years. You will probably never use some of the forms provided here.

Some parents like to make a tape recording of important meetings. If you would like to tape record a meeting, talk to the people at the school about it well before the meeting date.

# PARENTS' RECORD—REFERRAL FOR INDIVIDUAL EVALUATION

Who made the referral? \_\_\_\_\_

When was the referral made? \_\_\_\_\_ Age of child: \_\_\_\_\_

Why was the referral made? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you provide any reports or other written information about your child?  Yes  No

Report title: \_\_\_\_\_ Who wrote the report? \_\_\_\_\_

Report title: \_\_\_\_\_ Who wrote the report? \_\_\_\_\_

Was there a meeting about the referral?  Yes  No

Who met with you?

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Date meeting was held: \_\_\_\_\_ Place meeting was held: \_\_\_\_\_

Was information you provided discussed in the meeting?  Yes  No

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Results of meeting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sometimes a record is made of meetings about the referral.

Ask for a copy and keep it in your file.

Keep a copy of *all* records in your file.

**See pages 11, 61, & 87.**

## PARENTS' RECORD—INDIVIDUAL EVALUATION

Were you asked to give your written consent for the evaluation?  Yes  No

If yes, when? \_\_\_\_\_

Did you give your written consent for the evaluation?  Yes  No

If yes, when? \_\_\_\_\_

Age of child: \_\_\_\_\_

Were the tests or other evaluations explained to you?  Yes  No

For each test or other evaluation, record the name and purpose of the test and who did it, when, and where:

Name and purpose of test: \_\_\_\_\_

Name & title of person who did test: \_\_\_\_\_

Date of test and where it was done: \_\_\_\_\_

Name and purpose of test: \_\_\_\_\_

Name & title of person who did test: \_\_\_\_\_

Date of test and where it was done: \_\_\_\_\_

Name and purpose of test: \_\_\_\_\_

Name & title of person who did test: \_\_\_\_\_

Date of test and where it was done: \_\_\_\_\_

Did you view the evaluation process?  Yes  No

Explain: \_\_\_\_\_

Were you given a copy of the evaluation report(s)?  Yes  No

Did you read the report(s)?  Yes  No

Did someone explain the report(s) to you?  Yes  No

If yes, who? \_\_\_\_\_ When? \_\_\_\_\_

Notes and questions about the evaluation report(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Keep a copy of *all* evaluation reports in your file.

**See pages 12 & 61.**



## PARENTS' RECORD—AFTER ELIGIBILITY STAFFING

What information and opinions did you share before the meeting? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Results of meeting:

Is your child eligible for ESE gifted services?  Yes  No

What will happen next? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When? \_\_\_\_\_

Did you get a notice telling you whether or not your child is eligible?  Yes  No

If yes, date of notice: \_\_\_\_\_

Were you and the school staff able to agree about your child's eligibility?  Yes  No

If no, what did you disagree about? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, what did you do? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were you told that you have a right to pay for a private educational evaluation if you are not satisfied with the evaluation done by the school?  Yes  No

Keep a copy of the notice or letter you get in your file.

**See pages 14 & 61.**

# PARENTS' RECORD—BEFORE EP MEETING

(first of two pages)

## Observation Guide

Name of child: \_\_\_\_\_ Age: \_\_\_\_\_

What concerns do you have about your child's education? \_\_\_\_\_

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What things does your child do best?

At home: \_\_\_\_\_

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At school: \_\_\_\_\_

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What does your child have trouble with?

At home: \_\_\_\_\_

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At school: \_\_\_\_\_

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How does your child seem to feel about:

School (if your child goes to school)? \_\_\_\_\_

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Himself or herself? \_\_\_\_\_

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Other children (friends, brothers and sisters)? \_\_\_\_\_

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Adults (parents, teachers, relatives)? \_\_\_\_\_

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What does your child like to do when he or she has free time or play time? \_\_\_\_\_

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What does your child *not* like to do? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What does your child do to help you at home? \_\_\_\_\_  
\_\_\_\_\_

How many friends does your child have? \_\_\_\_\_  
How old are your child's friends? \_\_\_\_\_  
What does your child do when playing with friends? \_\_\_\_\_  
\_\_\_\_\_

How does your child learn best? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What does your child most need to learn in school? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What kinds of help does your child need in order to succeed and make progress? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What questions do you have about the evaluation report(s)? \_\_\_\_\_  
\_\_\_\_\_

What other questions do you have for the people at the school? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**See pages 15 & 35.**

## PARENTS' RECORD—EP MEETING

(first of two pages)

Did you get a written notice about the meeting?  Yes  No

If yes, date of notice: \_\_\_\_\_ Number of days before the meeting: \_\_\_\_\_

Did you get any other kind of notice?  Phone call  Visit  Reminder note  Electronic mail

Other \_\_\_\_\_

Did you ask to change the date, time, or place?  Yes  No

If yes, were you able to make a change?  Yes  No

Did you go to the meeting?  Yes  No

If no, why not? \_\_\_\_\_

If no, did the school staff ask you to help with the EP in some other way?  Yes  No

How? \_\_\_\_\_

\_\_\_\_\_

When was the meeting held? (Date) \_\_\_\_\_ (Time) From: \_\_\_\_\_ To: \_\_\_\_\_

Where was the meeting held? \_\_\_\_\_

Who was at the meeting?

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Was anyone invited who did not attend the meeting?  Yes  No

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

If a key person was absent, how was this addressed? \_\_\_\_\_

Did your child attend the meeting?  Yes  No

Why or why not? \_\_\_\_\_

Did your child actively participate in the meeting?  Yes  No

If yes, what did your child do? \_\_\_\_\_

Was there a need for more than one meeting?  Yes  No If yes, give date(s): \_\_\_\_\_

What information and opinions did you share at the meeting? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were you and the school staff able to agree on the EP?  Yes  No

If no, what did you disagree about? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, what did you do? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you get a copy of the EP?  Yes  No

Keep a copy of the EP in your file.

**See chapter 2.**

## PARENTS' RECORD—CONSENT FOR PLACEMENT

Did you get a form asking for your written consent to provide gifted services to your child?  Yes  No

If yes, date of form: \_\_\_\_\_

Did you give your written consent?  Yes  No

If yes, date you gave your consent: \_\_\_\_\_

If no, why not? \_\_\_\_\_

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If no, what happened next? \_\_\_\_\_

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Keep a copy of *all* consent forms in your file.

**See pages 16, 64.**

# PARENTS' RECORD—GIFTED SERVICES

Date services started: \_\_\_\_\_ Age of child: \_\_\_\_\_

Name of school: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone number: \_\_\_\_\_

## Teachers

Name & subject or service: \_\_\_\_\_

Name & subject or service: \_\_\_\_\_

Name & subject or service: \_\_\_\_\_

Principal's Name \_\_\_\_\_

## Your visits to the school or classroom:

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

What did you learn? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

What did you learn? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

What did you learn? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**See pages 16, 31, 64.**

## PARENTS' RECORD—EP REVIEW MEETING

Did you get a written invitation to the EP review meeting?  Yes  No

If yes, date of notice: \_\_\_\_\_ Number of days before the meeting: \_\_\_\_\_

Did you ask to change the date, time, or place?  Yes  No

If yes, were you able to make a change?  Yes  No

Did you go to the meeting?  Yes  No

If no, why not? \_\_\_\_\_

Who asked for the meeting?  You  The school

If you, why did you ask for the meeting? \_\_\_\_\_

\_\_\_\_\_

When was the meeting held? (Date) \_\_\_\_\_ (Time) From: \_\_\_\_\_ To: \_\_\_\_\_

Where was the meeting held? \_\_\_\_\_

Who was at the meeting?

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

What information and opinions did you share at the meeting? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How were your information and opinions included in the EP? \_\_\_\_\_

\_\_\_\_\_

What changes were made in the EP? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you agree with these changes?  Yes  No

If no, what did you disagree about? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If no, what did you do? \_\_\_\_\_

\_\_\_\_\_

Did you get a copy of the EP?  Yes  No

Keep a copy of the EP in your file.

**See pages 17, 40, 65.**



## PARENTS' RECORD—PRIVATE EDUCATIONAL EVALUATION

Why did you want a private educational evaluation of your child? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For each test or other evaluation, record the name and purpose of the test and who did it, when, and where:

Name and purpose of test: \_\_\_\_\_  
Name & title of person who did test: \_\_\_\_\_  
Date of test and where it was done: \_\_\_\_\_

Name and purpose of test: \_\_\_\_\_  
Name & title of person who did test: \_\_\_\_\_  
Date of test and where it was done: \_\_\_\_\_

Were you given a copy of the private educational evaluation report(s)?  Yes  No

Who presented the results of the private educational evaluation at the EP meeting? \_\_\_\_\_  
\_\_\_\_\_

Keep a copy of *all* evaluation reports in your file.

**See pages 54 & 62.**

# PARENTS' RECORD—OTHER MEETINGS (AS NEEDED)

(first of two pages)

Age of child: \_\_\_\_\_

Did you get a written notice about the meeting?  Yes  No

If yes, date of notice: \_\_\_\_\_ Number of days before the meeting: \_\_\_\_\_

Did you ask to change the date, time, or place?  Yes  No

If yes, were you able to make a change?  Yes  No

Did you go to the meeting?  Yes  No

If no, why not? \_\_\_\_\_

Who asked for the meeting?  You  The school

If you, why did you ask for the meeting? \_\_\_\_\_

\_\_\_\_\_

On what date was the meeting held? \_\_\_\_\_ What time? From: \_\_\_\_\_ To: \_\_\_\_\_

Where was the meeting held? \_\_\_\_\_

Who was at the meeting?

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

Name & title: \_\_\_\_\_

What was the purpose of the meeting? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What information and opinions did you share at the meeting? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Results of meeting:

Decisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reasons for decisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What will happen next? \_\_\_\_\_  
\_\_\_\_\_

When? \_\_\_\_\_

Did you get a written notice explaining the results of the meeting?  Yes  No

If yes, date of notice: \_\_\_\_\_

Keep a copy of *all* notices or letters you get in your file.

# PARENTS' RECORD—SCHOOL RECORDS

(first of two pages)

Kinds of records kept by the school:

Kind	Place Kept
_____	_____
_____	_____
_____	_____
_____	_____

Did you read the records?  Yes  No If yes, supply this information:

Date	Kind of Record	Place Kept
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Did someone explain the records to you?  Yes  No If yes, supply this information:

Name	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have records been sent outside the school?  Yes  No If yes, supply this information:

Records Sent to (Name)	Date	Did You Give Your Consent?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Did you ask for copies of records?  Yes  No If yes, supply this information:

Kind of Record	Date	Was There a Charge?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Did you ask the school to change your child's records?  Yes  No If yes, supply information below:

Change You Requested	Date	School's Answer
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If the school refused to change your child's records, did you add a note to the records explaining why you disagree with the record?  Yes  No

If yes, what information did you add to the record? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**See pages 67 through 69, and page 90.**

# PARENTS' RECORD—DUE PROCESS HEARING

(first of two pages)

Parent asked for the due process hearing     School asked for the due process hearing

Reason for hearing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of letter asking for hearing: \_\_\_\_\_ Did you keep a copy in your file?  Yes  No

Things that were done to try to solve the problem before hearing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of administrative law judge: \_\_\_\_\_

Date of hearing: \_\_\_\_\_ Place: \_\_\_\_\_

Name of lawyer or other person helping you: \_\_\_\_\_

Evidence shared at least five business days before the due process hearing:

### Parent's Evidence

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### School's Evidence

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Parent's Witnesses

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School's Witnesses

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Administrative law judge's decision: \_\_\_\_\_

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Did you appeal the decision?  Yes  No Did the school appeal the decision?  Yes  No

Date: \_\_\_\_\_

To whom: \_\_\_\_\_

Result of the appeal: \_\_\_\_\_

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Keep a copy of the administrative law judge's written decision in your file.

**See pages 55 and 91.**

# PARENTS' RECORD—FORMAL WRITTEN COMPLAINT

(first of two pages)

Date of complaint letter: \_\_\_\_\_ Did you keep a copy in your file?  Yes  No

What law do you think the school district violated? \_\_\_\_\_  
\_\_\_\_\_

In what way do you think the school district violated the law? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Things that were done to try to solve the problem before filing a written complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you talk to Florida Department of Education (DOE) staff before filing the written complaint?  Yes  No

Name & title of DOE staff: \_\_\_\_\_ Date: \_\_\_\_\_

Notes about your conversation with DOE staff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name & title of DOE staff: \_\_\_\_\_ Date: \_\_\_\_\_

Notes about your conversation with DOE staff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name & title of DOE staff: \_\_\_\_\_ Date: \_\_\_\_\_

Notes about your conversation with DOE staff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Did you get to review the information DOE collected before DOE made the decision?

Yes  No

If yes, what changes or additions did you suggest? \_\_\_\_\_

\_\_\_\_\_

Date of DOE's decision on your complaint: \_\_\_\_\_

Did DOE issue the decision within 90 days of receiving your complaint?

Yes  No

If not, how long was the delay? \_\_\_\_\_

What was the reason for the delay? \_\_\_\_\_

\_\_\_\_\_

DOE's decision about your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Keep a copy of DOE's written decision in your file.

**See pages 60 and 93.**

## CONTACT LOG

Use this page to record the dates of telephone or in person contacts with your child's teacher or other school personnel. Include notes about what you discussed.

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONTACT LOG

Use this page to record the dates of telephone or in person contacts with your child's teacher or other school personnel. Include notes about what you discussed.

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

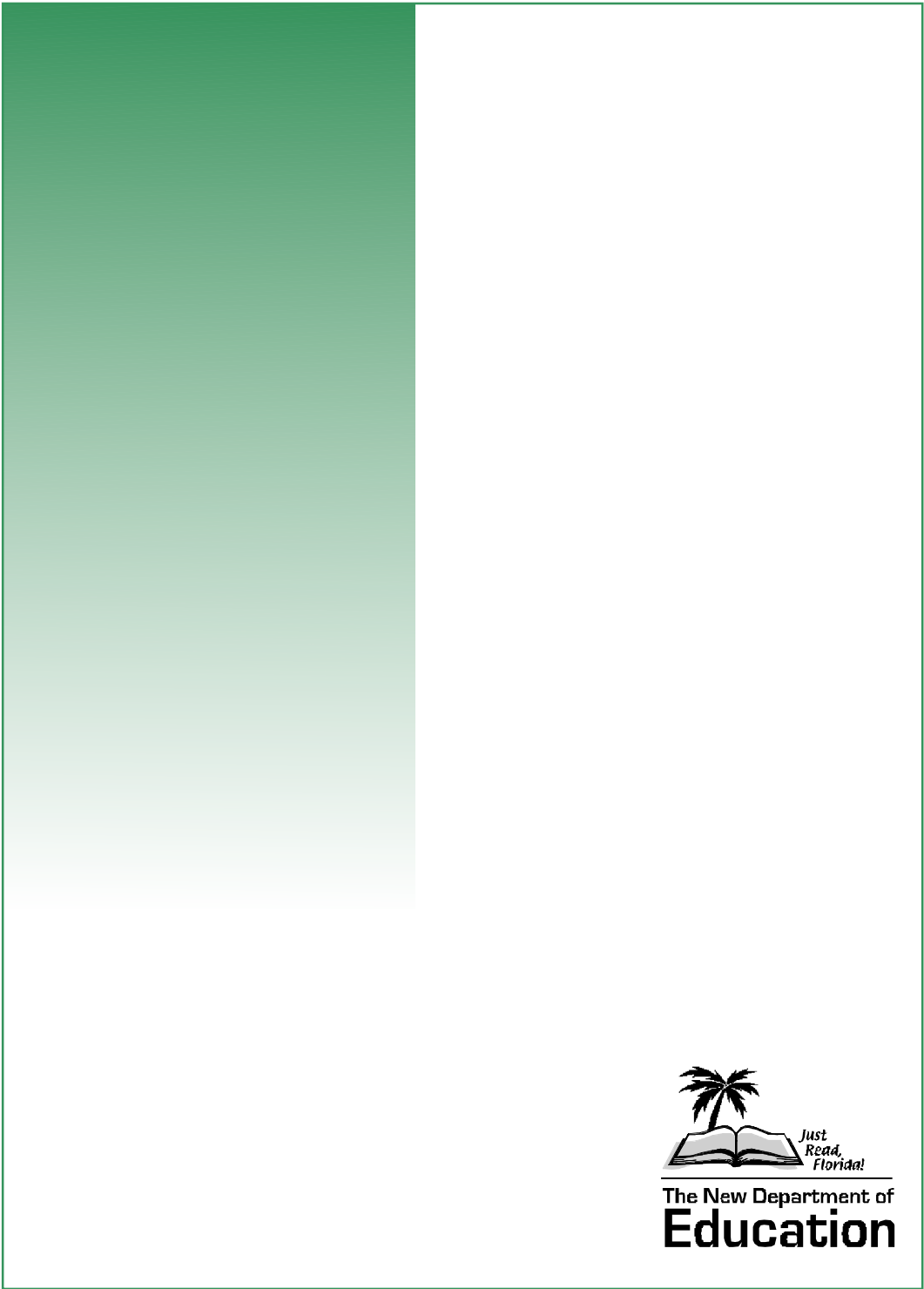
Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  In person  Phone call  Other \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





The New Department of  
**Education**

312242

FLORIDA DEPARTMENT OF EDUCATION  
Jim Horne, Commissioner