

PENNSYLVANIA DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 23, 2018

PENN*LINK

TO: School District Superintendents
School District Special Education Directors
Charter School Chief Executive Officers
Charter School Special Education Directors
Intermediate Unit Executive Directors
Intermediate Unit Special Education Directors

FROM: Ann Hinkson-Herrmann, Director
Bureau of Special Education

SUBJECT: Child Find for Thought to be Gifted Students Attending a Charter School
or Cyber Charter School

The purpose of this PENN*LINK is to clarify a school district's child find responsibilities related to students who are thought to be gifted in need of specially designed instruction and who reside within the school district but attend a charter school or cyber charter school.

According to 22 PA Code § 16.21: "Each school district shall adopt and use a system to locate and identify *all* students within that district who are thought to be gifted and in need of specially designed instruction." 22 PA Code § 16.21(a). Further, Section 16.21(b) provides: "Each school district shall conduct awareness activities to inform the public of gifted education services and programs and the manner by which to request these services and programs. These awareness activities shall be designed to reach parents of students enrolled in the public schools and the parents of school age children not enrolled in the public schools. Awareness activities shall be conducted annually and include providing information in local newspapers, other media, student handbooks and on the school district web site." 22 PA Code § 16.21(b).

Under the Pennsylvania School Code, specifically under Sections 1732-A and 1749-A of the Charter School Law, 24 P.S. §§ 17-1732-A and 17-1749-A, charter schools are not subject to gifted education regulations (22 PA Code Chapter 16) and, thus, charter schools and cyber charter schools are not required to engage in child find activities related to thought to be gifted students unless it is specifically addressed in the charter school's charter.

However, the right to be identified as gifted and in need of specially designed instruction is not forfeited due to the enrollment of a student at a charter school or cyber charter school. Therefore, the district of residence is encouraged to maintain its child find

obligation and responsibility to evaluate students who are thought to be gifted and in need of specially designed instruction even when that student is enrolled in a charter school or cyber charter school.

If you have any questions concerning this information, please contact John Gombocz at 717.772.3745 or jgombocz@pa.gov.