

This is a redacted version of the original decision. Select details have been removed from the decision to preserve the anonymity of the student. The redactions do not affect the substance of the document.

File No.: 8442/07-08 AS

V.G.

Date of Birth: [redacted]

Date of Hearing: February 15, 2008

OPEN HEARING

Parties to the Hearing:

Parent:

District:

Carlynton School District

Date Transcript Received:

February 19, 2008

Date of Decision:

February 21, 2008

Gerald Dambach, Ed.d

Hearing Officer

BACKGROUND:

[Student] is a xx year old grade 12 student at Carlynton High School. She is identified as Gifted and receives Gifted Support (GS). During grade 12 [Student] is attending Carlynton for AP English 12, PE (2 days/week) and band (2 days/week). She attends [Redacted] University on an early release program. At [Redacted University] she is currently taking two (2) courses. In the Fall 2007 she also took two (2) courses at [Redacted University]. During the Fall term [Student] took Calculus II and English and she is currently taking Biological Statistics and English at [Redacted University].

There is no current agreed to GIEP for Carlynton. The district has offered a GIEP but, it has not been agreed to by the parent. The issue for this hearing is the development of an appropriate GIEP for grade 12 to reflect gifted programming in math. The parent would like the district to pay for the college credits for [Student] at [Redacted] University. The parent is seeking compensatory education for grade 12 because there is no appropriate GIEP. The parent would like tuition reimbursement for the courses at [Redacted University].

FINDINGS OF FACT:

1. [Student] is a xx year old grade 12 student at Carlynton High School where she is identified as Gifted. (SD 6, SD 13)
2. The last agreed to GIEP was developed on October 18, 2006 for grade 11. The parent signed the NORA on November 1, 2006 agreeing to the GIEP. (P 3, SD 6)
3. [Student] was initially evaluated and a Gifted Written Report (GWR) was developed on May 20, 2003 at the end of grade 7. (SD 13, P 2)
4. On the May 20, 2003 GWR it was determined that [Student] meets the district criteria for identification as a student who is mentally gifted. She demonstrated particular expertise in the area of mathematics (99th percentile). It was recommended that she participate in the GS program. (P 2, SD 13)
5. [Student] started GS programming in grade 8 and a GIEP could not be agreed to by the district and parent.(NT 139)
6. As a result of the grade 8 GIEP disagreement a hearing was held and [Student] was awarded 72 hours of compensatory education. The hours were used to pay for a calculus course at [Redacted College] in grade 11 and to pay for SAT preparation. (NT 61, NT 137-8)
7. [Student] is currently taking AP English 12, Physical Education (2 days/week), and band (2 days/week) at Carlynton High School. (SD 3)
8. [Student] is participating in an early release program at Carlynton to take two courses each semester at [Redacted] University. (SD 4)
9. The district does not have a dual enrollment policy, but does have early release provisions for work or school. (NT 40-1, NT 54-5).
10. In grade 9, [Student] took two (2) mathematic courses – Algebra 2 and Geometry. (SD 5, NT 14-5)
11. There is no math enrichment within the district curriculum appropriate for [Student]. (NT 95)

12. During the first semester of the 2007-08 school year the district made many attempts to schedule a GIEP meeting for [Student]. (SD 7)
13. GIEP meetings were held on October 15, 2007 and November 9, 2007 with no GIEP being written for [Student]. (SD 7)
14. At both the October 15, 2007 and November 9, 2007 GIEP meetings [Student's] mother, demanded [Student's] [Redacted University] math course be paid for by the district as her "Gifted Education." (SD 7, NT 80, NT 82)
15. On November 12, 2007 [the parent] signed a NORA indicating she did not approve the recommendation of the district proposed GIEP of November 9, 2007. (SD 9, SD 10)
16. On January 16, 2008 the parent filed a Due Process Complaint Notice. (P 1)
17. On January 31, 2008 the district provided a proposed program for [Student's] gifted enrichment. (SDS 11)
18. On November 9, 2007 the district began to develop a gifted enrichment program in math for [Student] that was beyond the scope of the district's curriculum. (SD 7, NT 85, NT 118)
19. At the November 19, 2007 GIEP meeting [Student] stated that she just wanted to go to [Redacted University]. (SD 7, NT 84)
20. Neither [the parent] nor [Student] met with Mr. K., math teacher, to discuss the proposed math enrichment program. On January 11, 2008 [Student] said, "I've been way too busy with [Redacted University]. (SD 7)

ISSUES:

1. Did the Carlynton School District offer an appropriate GIEP for [Student] for the 2007-08 school year?
2. Is [Student] entitled to compensatory education?

DISCUSSION AND CONCLUSIONS OF LAW:

[Student] is a xx year old grade 12 student in the Carlynton School District. She was identified as Gifted on May 20, 2003 at the end of her grade 7 school year. A GIEP was written for grade 8. The grade 8 GIEP was disputed by the parent and a Due Process Hearing was held. [Student] was awarded 72 hours of compensatory education which were used for a math class at [Redacted College] and for SAT preparation.

[Student] is currently taking AP English 12, Physical Education (2 days/week), band (2 days/week) at Carlynton High School. She is also taking two courses at [Redacted] University. The courses at [Redacted University] are part of the district's early release program for seniors. She meets all requirements for graduation this school year. A GIEP was developed on October 18, 2006 for grade 11. It involved an enrichment program agreed to by the parent (NORA on November 1, 2006).

Beginning in August 2007 there have been numerous attempts by the district to convene a GIEP meeting to develop a GIEP for grade 12. GIEP meetings were held on October 15, 2007 and November 9, 2007 with no GIEP agreed to by the parent. The parent wants the math courses taken at [Redacted University] to be her GIEP. The mother has demanded [Student's] [Redacted University] math courses be paid for by the district as her "Gifted Education." The district refused the tuition payment for [Redacted

University]. [Student] is attending [Redacted University] on an early release from district programs and not part of a dual enrollment program.

The May 20, 2003 GWR identified [Student] as gifted with particular expertise in mathematics. [Student] also has a strong interest in science. [Student] has taken all the available mathematic courses at Carlynton which are appropriate for her.

Because no GIEP could be agreed to the district offered a mathematics enrichment program that was beyond the scope of the district's curriculum. Mr. K., mathematics teacher, developed a math tutoring plan that was two fold:

1. Review and reinforce Calculus skills and concepts she has already learned.
2. Teach new skills and concepts in Calculus.

This was offered to [Student] and the parents, but not accepted. [Student] stated that all I want to do is go to [Redacted University]. She also stated that she was too busy with [Redacted University] to consider Mr. K.'s math tutoring plan.

The Carlynton School District has made numerous attempts to develop a GIEP for grade 12 for [Student]. The parent and [Student] have thwarted these attempts. It seems apparent the parent is only interested in the district paying [Student's] tuition at [Redacted University]. The district has offered a math enrichment tutoring plan that exceeds the scope of the curriculum. The math tutoring plan offered by the district (SDS 11) is deemed appropriate.

The district is not legally obligated to pay for college tuition and the math tutoring plan is appropriate. [Student] does not require, nor is she entitled to any compensatory education.

ORDER:

It is hereby determined that the [Redacted] School District has:

1. Offered an appropriate GIEP math enrichment program for [Student].
2. No legal obligation to provide [Student] with any compensatory education.

NOTE: If the parent wishes to avail themselves of the district's math enrichment tutoring plan (SD 11) then they must directly contact the district to establish a GIEP.

The district's math enrichment tutoring plan would begin upon the development of a GIEP and conclude upon [Student's] graduation.

The tutoring plan would be for a maximum of 5 hours/week.

Submitted by:

Gerald Dambach, Ed.D
Hearing Officer

February 21, 2008