

*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.*

**Pennsylvania Gifted Education Due Process Hearing Officer  
Final Decision and Order**

**Open Status Hearing**

**ODR No. 32588-25-26**

**Child's Name:**

G.A.

**Date of Birth:**

[redacted]

**Parents:**

[redacted]

**Local Education Agency:**

Haverford Township School District  
50 East Eagle Road  
Haverford, PA. 19083

**Counsel for LEA:**

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**Hearing Officer:**

Vicki A. McGinley, Ph.D.

**Date of Decision:**

March 26, 2026<sup>1</sup>

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<sup>1</sup> The record closed upon receipt of written closing briefs from the parties' dated 3/21/26

## **INTRODUCTION AND PROCEDURAL HISTORY**

Student (“Student”) is an -[redacted] year-old -[redacted] grade student enrolled in the District (“District”), where [student] is identified as gifted and receives services pursuant to 22 Pa Code §16.1. On February 9, 2026, Parents filed a Due Process Complaint (“DPC”) raising concerns related to the accelerated 7/8 grade math course placement following [student’s] mid-year transfer from another district on December 5, 2025. Parents allege that the 7/8 grade accelerated math course in which Student is placed within the District is repetitive of material Student has already mastered and is at a lower level than what is needed to provide meaningful educational benefit. Additionally, the structure of the class, specifically the class size does not meet Student’s needs. As a remedy, Parents seek Student’s immediate transition to the eighth-grade Algebra I math course; an Independent Education Evaluation in Math, administration of above-level diagnostic testing in Algebra I; an award of compensatory education for time allegedly lost during December 2025 and February 2026; and correction of Student’s educational records to accurately reflect [student’s] present level of math instruction.

## **ADMISSION OF EXHIBITS**

The following Parents exhibits are admitted:  
P1-5; P7-11

The following District (referred to as Joint in the record) exhibits are admitted:  
S-2, S5-13; S6-18; S-21; S-23; S-27; S29-36; S39-40

## **ISSUE(S):**

Was the Gifted Individualized Education Plan (GIEP) dated March 21, 2025, which the District implemented following Student’s transfer from a prior elementary school from another district<sup>2</sup> in December 2025, appropriate to meet Student’s needs in mathematics during January and February 2026?

<sup>2</sup> Student’s former district provided [redacted] grade at the middle school, while the present District placed [redacted] grade within the elementary school. Student traveled to the present District’s middle school only for gifted accelerated 7/8 grade math.

## FINDINGS OF FACT

1. Student transferred from another elementary school and district on December 5, 2025, where receiving a gifted education program that included accelerated 7/8 grade math between September and December 2025 (N.T. 14; 30; J-14).
2. On December 5, 2025, when Student started within the District, placement was within an accelerated 7/8 math course (N.T. 23, 26). Student is primarily served in [redacted] grade regular education at [student's] elementary school within the District. Student travels daily to the District's middle school to participate in accelerated 7/8 mathematics (N.T. 13).
3. Emails between Parents and the District were exchanged between December 30, 2025, and January 8, 2026 (J-23).
4. On December 30, 2025, the principal of the District's middle school wrote to Parents to clarify transportation arrangements (J-23).
5. When Student transferred from another elementary school and district in December 2025, the Gifted Individualized Education Program ("GIEP") dated March 21, 2025, from this previous district indicated a gifted education program to include accelerated math at the 7/8 grade level. Specifically, This GIEP was written while Student was still in [redacted] grade and receiving accelerated mathematics instruction at the sixth-grade level (N.T. 14; 30; J-2).
6. Student's above referenced GIEP(¶ 5), from the district previously attended by Student, identified a need for accelerated mathematics instruction during the 2025/26 school year. The GIEP further identified Student's strengths in processing speed, mathematical reasoning, visual-spatial abilities, and rapid acquisition and retention of new information. (J-2).

7. The above-referenced GIEP (§ 5) includes an annual mathematics goal providing that Student will demonstrate accelerated mathematics expectations and standards during the by further developing strengths in mathematics and applying mathematical skills and concepts to daily classwork, assignments, and grade-level extensions at a proficient level or higher according to grade-level standards. The Short-Term Objectives (“STOs”) addressed instruction in Numbers and Operations, Algebraic Concepts, Geometry, and Measurement/Data. The Specially Designed Instruction (“SDI”) includes enrichment, differentiated instruction, and project-based activities (J-2).
8. The above reference GIEP (§ 5) provided a Challenge class 1X in a four-day cycle (J-2).
9. Student’s [redacted] grade accelerated math teacher from the previous district testified that differentiated instruction included implementing an informal preassessment before each unit allowing the lesson to be extended while also remaining within the appropriate grade level: dipping a little higher and then extending to real world scenarios as necessary (N.T. 37-38).
10. While within the previous district during the 2025/26 school year 7/8 accelerated math between September and December 2025, Student achieved scores of 100% on unit assessments in Integers and Rational Numbers (J-6), Real Numbers (J-7), Expressions (J-8), and Equations (J-10). S.B., Student’s [redacted] grade accelerated 7/8 math teacher from the previous district testified that IXL scores place Student in the range of between ninth and tenth grade math (N.T. 37).
11. On January 5, 2026, Student began instruction in the District in the accelerated 7/8 grade math class (J-23).

12. Student's IXL Diagnostic Action Plan results from September 12, 2025, while in the previous district reflected an overall mathematics diagnostic score of 970, with strand scores including Numbers and Operations (990), Algebra and Algebraic Thinking (940), Fractions (800), Geometry (990), Measurement (700), and Data, Statistics, and Probability (1060). According to information published by IXL Real-Time Diagnostic, diagnostic scores correspond to a student's "working grade level," with scores around 400 reflecting fourth-grade readiness and increasing scores reflecting progressively higher grade-level skill readiness (J-5).
13. Student's [redacted] grade math teachers from Student's previous district testified that they believed that there was communication between both districts (N.T 64) prior to Student's placement in the present District's accelerated 7/8 grade math.
14. On January 8, 2026, Parents emailed the middle school principal and Student's accelerated math 7/8 teacher seeking clarification regarding the course content and level of acceleration, indicating that Student had previously covered some of the same material during the prior school year. The District's middle school assistant principal, who also serves as the administrative liaison for mathematics, responded that the course addresses both seventh- and eighth-grade standards and prepares students for success in Algebra I. The assistant principal further indicated that students may encounter some content to which they had been previously exposed (J-23).
15. Parents alleged that the scope and sequence of the District's accelerated 7/8 math course offered to Student is significantly below the instructional level Student experienced in [student's] previous school accelerated 7/8 math course (N.T. 14). Parents testified that Student previously received instruction in a small classroom environment with three

other students functioning at a comparable performance level (N.T. 17), thus they allege that the placement in the present District cannot meet Student's educational needs in gifted education.

16. The assistant principal from Student's middle school testified that multiple members of the District team participated in the decision to place Student in the accelerated 7/8 mathematics course. In making this determination, the team reviewed Student's March 21, 2025, GIEP from the prior district (N.T. 179), information available on the prior district's website (N.T. 179), pacing guides and scope and sequence documents from the prior district, and the District's own scope and sequence based on the Kendall Hunt *Illustrative Mathematics* curriculum (N.T. 180–182). The team also conducted a crosswalk comparison between both districts' course offerings (J-29).
17. Emails exchanges between Parents and the District between January 22, 2026, and January 29, 2026, addressed concerns regarding Student's mathematics curriculum and placement (J-23).
18. Parents emailed the District indicating that Student reported feeling disappointed and insufficiently challenged in [student's] current mathematics course. Parents outlined opportunities Student had in mathematics at [student's] previous school and identified several topics they believed Student had already completed. Parents requested clarification regarding the remaining course units and proposed that, if the units addressed material Student had already mastered, Student be permitted to take a mastery assessment followed by pre-assessments for subsequent units. Parents further requested that, if Student demonstrated mastery, [student] be permitted to move to an Algebra 1 course (J-23).

19. Student's present 7/8 accelerated math teacher testified that the content taught in Student's class includes some material that may have been introduced in the prior school year; however, the curriculum is designed to spiral content while providing more in-depth instruction at the seventh- and eighth-grade levels. The teacher further explained that seventh- and eighth-grade topics are blended and revisited throughout the entire school year (N.T. 111, 114). As an example, on linear relationships, that shows up in 6<sup>th</sup> grade, this class would go more in depth to include seventh and eighth grade standards (N.T. 118; 141).
20. Student's present 7/8 accelerated math teacher testified that before a unit he would not have known what Student had accomplished prior to the start of the unit (N.T. 122).
21. Student's present 7/8 accelerated math teacher testified that Student scored a 32/32 or 100% on the Linear Relationship assessment (N.T. 123). Additionally, on three-unit tests given during the time in this class in December 2025 and January 2025, Students has scored 100% (N.T. 149; 152).
22. The assistant principal at the middle school testified that about 10% of the students across all sections of accelerated 7/8 math classes have scored that same on all assessments with 100% on all measures (N.T 190) and that Student is appropriately placed within the District's accelerated 7/8 math class (N.T. 191; 198).
23. Student's present 7/8 accelerated mathematics teacher testified that had Student been enrolled in the District during the 2024/25 school year, Student would have participated in the District's accelerated mathematics sequence aligned with sixth- and seventh-grade Pennsylvania Academic Standards. During the current 2025/26 school year, Student is receiving instruction aligned with the seventh- and eighth-grade standards. The teacher

further testified that, under the District's sequence, Student would be expected to enroll in Algebra I the following academic year 2026/27 (N.T. 132–134) which is the equivalent of the Algebra I class at the ninth grade (N.T. 174). Student is appropriately placed this year, but the teacher testified that if needed [student] could be moved to Algebra 1 (N.T. 157-158).

24. Student's present 7/8 accelerated mathematics teacher testified that Student is well placed in [student's] class based on what he has seen within a month and a half as Student is leveled well with peers and is moving at the same rate together (N.T. 136). Additionally, he had reviewed a document from Student's previous District that indicated which standards are covered in the accelerated 6/7 math curriculum (N.T. 160).
25. Student's present 7/8 accelerated mathematics teacher testified that PSSA benchmarks are taken every quarter to make sure that instruction is on the right track to take the seventh-grade math PSSA. Student scored a 32/32 on the one PSSA benchmark taken in this class (J-21).
26. The assistant principal responded that Student was appropriately placed in the current course and that the District would continue to monitor [student's] progress (J-23).
27. Within an email, Parents requested documentation including the Bridge/7th Grade syllabus, Algebra I mastery criteria, and recent assessment results. Parents further indicated that Student would no longer attend the middle school accelerated mathematics course and would instead remain at the elementary school utilizing Khan Academy Algebra I modules (J-23).
28. On January 29, 2026, the District's eighth-grade assistant principal emailed the Student's previous elementary school seeking the accelerated seventh grade math lessons and

Standards that were and are used within that district as well as the seventh-grade accelerated mathematics topics for reference (J-16).

29. Email communication between Parents and the District indicated that Student's next benchmark assessment was scheduled for February 10, 2026. The assistant principal indicated that during the thirteen instructional days since Student transferred from another district, one mathematics assessment had been completed by Student. Student scored 100% and that other students in the class had achieved the same score. The assistant principal stated that "a single assessment over such a brief instructional window does not provide sufficient data to justify a change in placement" and explained that students are not moved between course levels after such a limited period of observation and instruction (J-16).
30. Emails exchanged between January 29 and February 9, 2026, included Parents requesting an emergency meeting with the District. The District's Pupil Services Supervisor responded that he would coordinate a meeting with mutually available times for team members from both the elementary and middle schools. The meeting was scheduled for February 6, 2026. Parents indicated that they would provide supporting materials for the GIEP team to review. The District further responded that it had reached out to obtain information regarding the specific course sequence in which Student had previously been enrolled and how that sequence aligned with the mathematics course Student was currently taking at the District's middle school (J-23).
31. On February 4, 2026, the Challenge Teacher from Student's previous District emailed the District outlining what would have been covered if Student would have stayed within the District, 7/8 Pacing Guide was attached to the email (J-17).

32. On February 6, 2026, a GIEP meeting was held within the District to develop the GIEP dated February 11, 2026 (J-18).
33. On February 7, 2026, Parents wrote to the District indicating that they believed incorrect data had been presented at the above referenced GIEP meeting ( ¶ 32) and that the cross-review of units between the schools did not yield information regarding Student's actual assessments. In that same communication, Parents requested that Student be placed immediately into Algebra I (J-23). Parents did not agree to the District's GIEP (N.T. 201; J-18).
34. On February 9, 2026, Parents wrote the District informing them that they will return Student to [student's] currently assigned accelerated 7/8 grade math class (referenced in ¶17) under protest (J-23).
35. On February 9, 2026, Parents filed a DPC with the Office for Dispute Resolution.
36. The proposed GIEP dated February 11, 2026, indicates that Student would participate daily in an accelerated mathematics program. Differentiation in mathematics would include Challenge Problems/WIN and the Continental Mathematics Challenge. Objective data reported included MAP (Measures of Academic Progress) assessment results reflecting performance within the 99th percentile in mathematics with a RIT score of 275, identified as high achievement with a relative strength in Numbers and Operations. The annual mathematics goal indicated that Student would participate in an accelerated mathematics program and demonstrate higher-level interpretation of the Pennsylvania Core Standards by achieving proficiency or advanced performance using criteria from a pre-selected mathematics course. The Short-Term Objectives (STOs) indicated that Student would demonstrate proficiency in higher-level mathematics concepts through an

advanced course. Specially Designed Instruction (SDI) included advanced mathematics course selection and opportunities to work with peers of similar ability. SDI's included advanced math course selection and opportunities to work with peers of similar ability (J-18).

37. The evidence established that the District's accelerated mathematics pathway progresses from accelerated 6/7 mathematics to accelerated 7/8 mathematics and then to Algebra I. The District's curriculum would lead to the Student taking the Algebra I Keystone in the Spring of 2027, whereas the trajectory of Student's previous district would be in the winter of 2027 (N.T. 28).

## **DISCUSSION AND CONCLUSIONS OF LAW**

### **Burden of Proof:**

The burden of proof consists of two distinct components: the burden of production, which determines which party must present its evidence first, and the burden of persuasion, which determines which party must ultimately convince the fact finder—in this case, the hearing officer—that its position is correct. Although Chapter 16 of the Pennsylvania Code does not expressly address the allocation of the burden of proof in gifted education due process proceedings, Pennsylvania precedent has clearly established that the burden rests with the party initiating the request for due process. *See E.N. v. M. Sch. Dist.*, 928 A.2d 453 (Pa. Commw. Ct. 2007); *see also D.Z. v. Bethlehem Area Sch. Dist.*, 2 A.3d 712 (Pa. Commw. Ct. 2010); *D.V. v. Conrad Weiser Sch. Dist.*, ODR No. 20107-17-18 at \*7 (Apr. 10, 2018) (*holding that the moving party bears the burden of proof*); *J.S. v. Mt. Lebanon Sch. Dist.*, ODR No. 17229-15-16 at \*5 (May 13, 2016) (*citing E.N. and D.Z.*). Accordingly, in this matter, both the burden of

persuasion and the burden of production rest with the Parents, as they are the party that initiated these proceedings.

**Credibility Determinations:**

As the fact finder, the hearing officer is charged with resolving any conflicts in the testimony and determining the weight and credibility to be accorded to each witness's statements. Credibility determinations are based on the witness's demeanor, consistency, plausibility of testimony considering the entire record, and the presence or absence of corroborating evidence. See, e.g., *In re A.J.R.-H.*, 188 A.3d 1157, 1167 (Pa. 2018) (*fact finder entitled to believe all, part, or none of a witness's testimony*); *Commonwealth v. Johnson*, 180 A.3d 474, 479 (Pa. Super. Ct. 2018) (*credibility determinations within province of fact finder*). Where conflicts exist between witnesses' accounts, the hearing officer weighs the totality of the circumstances to determine which evidence is most persuasive and reliable. The Hearing Officer recognizes that Parents and all witnesses actively participated in the proceedings and provided testimony relevant to the issues presented. Each witness testified credibly and to the best of their ability. However, where the record required interpretation of educational programming, or procedural compliance under Chapter 16, greater evidentiary weight was afforded to the testimony of qualified professionals based on their training, experience, and familiarity with gifted education and GIEP development.

**Chapter 16:**

This case involves gifted programming for the Student. Gifted education in Pennsylvania is governed by 22 Pa. Code §16.1–16.65 (“Chapter 16”). The purpose of Chapter 16 is to ensure that each identified gifted student receives an education based on the student's unique needs. Such education may include acceleration, enrichment or both, beyond what is available in the

general education program. *22 Pa. Code §16.41(b)(3)*. While a school district must provide an appropriate placement and plan with specially designed instruction reasonably calculated to confer meaningful—not merely trivial—educational benefit and progress, it is not required to “maximize” the student’s potential. *Id.*; *see also 22 Pa. Code §§ 16.1(vii), 16.41(b)(2)*.

### **Response to Parents’s Claims:**

Parents advance several arguments in this matter. Specifically, Parents contend that the District offered the Student a mathematics curriculum that repeats previously mastered material; that the Student is performing above the level of instruction currently provided in the accelerated 7/8 mathematics class; that the District’s placement fails to replicate the smaller instructional setting previously available in the Student’s prior district; and that the District relied upon incomplete or inaccurate data in determining that the Student should not be immediately placed into Algebra I.

The question presented under Chapter 16, is whether the District’s decisions reflect a reasoned, professionally grounded determination based upon the information available to the GIEP team.

### **Review of Data**

When a gifted student transfers between Pennsylvania school districts during the school year, the receiving district must ensure that gifted education services continue without interruption. In practice, this requires the receiving district to implement the student’s existing GIEP upon enrollment so that the student’s identified gifted needs continue to be addressed without delay. A district may not disregard implementation of a transferred GIEP simply

because the student is newly enrolled or because there is preference for a different instructional program. Rather, the district must initially provide gifted services consistent with the existing GIEP while utilizing the procedures required under Chapter 16 to consider any subsequent modifications that the GIEP team determines are appropriate.

Accordingly, a question presented in this matter is whether the District appropriately implemented the transferred GIEP upon the Student's enrollment and, if modifications were believed necessary, whether those changes were made through the procedures required under Chapter 16.

In this matter, the testimony established that the District did not disregard the Student's prior GIEP. The GIEP dated March 21, 2025, was reviewed upon the Student's enrollment, along with additional information obtained during the transition process. This review included the prior district's publicly available course sequencing information, development of curriculum crosswalks between the two districts, and documented email communications between professionals from both districts regarding the Student's programming.

The testimony of District staff regarding the crosswalk of curricular expectations and the structure of the accelerated mathematics pathway was credible and consistent with the documentary record. The evidence further demonstrated that the Student was placed in an accelerated 7/8 mathematics course aligned with seventh- and eighth-grade standards. In both districts, the next course in the sequence is Algebra I.

Decisions concerning course scheduling and instructional sequencing—such as the timing of Algebra I or specific course placement—fall within a district's educational

programming discretion. While Parents disagree with the timing of the Student's placement within the District's mathematics sequence and assert that additional data should have been gathered prior to placement, Chapter 16 does not require districts to disregard existing programming or immediately redesign a student's course pathway upon a mid-year transfer. Although such considerations may inform how gifted services are delivered, disagreement regarding the specific course selected does not, standing alone, establish that the GIEP is inappropriate under Chapter 16.

The relevant inquiry remains whether the District's program, as implemented through the GIEP, provides appropriately designed instruction that advances the Student's academic abilities. Disagreement regarding the timing of the Student's placement within the District's mathematics sequence does not constitute a denial of appropriate specially designed instruction under Chapter 16.

### **Class Size/Program**

Chapter 16 requires that a district implement the specially designed instruction and goals contained in the GIEP. However, the regulation generally leaves the method of delivery, scheduling, and classroom configuration to the discretion of the district, provided that the gifted services remain capable of addressing the student's identified needs. The fact that the Student previously received instruction in a very small, accelerated mathematics setting ("a micro-class of three students") does not, standing alone, obligate the receiving District to replicate that instructional structure. Chapter 16 does not mandate that a district duplicate the precise class size utilized by another district.

Parents testified that if the Student had remained in the prior district, they would not have sought Algebra I placement because the smaller class setting was meeting the Student's needs. This testimony reflects some confusion regarding the requirements of Chapter 16 with respect to class size and peer grouping. The credible testimony of District staff established that within the accelerated 7/8 mathematics course the Student is instructed alongside several other students with GIEPs, and that small-group instruction and peer collaboration occur within that setting.

School districts retain discretion in determining how gifted services are delivered within their educational programs, so long as those services are reasonably designed to address the student's demonstrated abilities and educational needs.

With respect to the District's mathematics program, testimony from the accelerated 7/8 mathematics teacher established that the course utilizes a spiraling instructional approach. Under this model, instruction may begin with review of previously introduced concepts before progressing through seventh- and eighth-grade standards.

The record reflects that the Student was enrolled in the District's accelerated 7/8 mathematics class for approximately fifteen instructional days due to the timing of the mid-year transfer and Parents subsequently removing the Student from the class. Both Parents and District witnesses acknowledged the limited duration of the Student's participation in the course.

Given this brief instructional period, the evidentiary record reflects that only a single assessment was administered during the Student's enrollment in the class. As the District explained, a single assessment over such a limited instructional window does not provide sufficient data to justify a change in course placement.

The relevant inquiry is not whether the District adopted the precise programmatic structure preferred by Parents, but whether the District exercised reasoned professional judgment in implementing an appropriate gifted program. The record demonstrates that it did.

### **Student Performance**

Testimony and documentary evidence establish that the Student is gifted in mathematics and demonstrates a high level of engagement and knowledge in that subject area. Evidence from the Student's prior placement indicates performance at approximately the ninth- to tenth-grade level on IXL measurements, including scores of 100 percent on several instructional units. Parents also testified regarding the Student's strong motivation and enthusiasm for learning mathematics.

Parents further noted that the Student's scores remained high despite missing approximately two weeks of instruction after Parents removed the Student from the District's accelerated 7/8 mathematics course. Parents point to this information as evidence that the District's course placement replicated previously mastered material.

However, testimony from the District's mathematics teacher and assistant principal indicates that the Student's performance level is generally consistent with approximately ten percent of students enrolled across the District's accelerated 7/8 mathematics courses. At the time of the due process hearing, the Student had completed a single assessment within the District's course, on which the Student earned 100%. District witnesses explained that a single assessment does not provide sufficient data to justify a change in course placement. Testimony further indicated that approximately ten percent of students achieved the same score, and that

many others were within one point of that result. While the evidence demonstrates that the Student is a highly capable mathematics student, the limited assessment data available during the brief period of enrollment does not establish that the District's course placement was inappropriate under Chapter 16.

Viewed as a whole, the record demonstrates that the District acted cautiously and deliberately, considered the Student's prior programming, and exercised reasoned professional judgment in implementing its accelerated mathematics pathway. The District did not delay acceleration; rather, under the District's sequencing the Student will take the Algebra I Keystone examination earlier than would have occurred in the Student's former district. The District also continued to review available data after Parents raised concerns regarding placement. Accordingly, the record does not establish that the District failed to implement an appropriate gifted program, and no violation of Chapter 16 has been proven.

The District is offering a program that meets its obligations under Chapter 16. 22 Pa. Code § 16.41. As far as an independent education evaluation in math Chapter 16 does not provide the same entitlement to an Independent Educational Evaluation at public expense as exists under IDEA and Chapter 14. Parents may obtain private evaluations and present them for consideration by the GIEP team, but the regulation does not require a district to fund such an evaluation. The school district is required to consider this information when making decisions regarding student identification (22 Pa. Code §16.61(e)(3)) but does not speak to District's

In closing argument, Parents contend that the District relied upon inaccurate pacing assumptions and lacked clearly established criteria in determining the Student's mathematics

placement. Parents bear the burden of proof in this matter, and the record does not support that claim.

The District indicated during testimony that it will continue to monitor the Student's progress. The District may choose to administer additional objective mathematics assessments if deemed appropriate. This decision, however, remains within the District's professional discretion and should not be construed as an order of this Hearing Officer.

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of March 2026, based upon the foregoing Findings of Fact, Credibility Determinations, and Conclusions of Law, consistent with the requirements of Chapter 16, all claims raised by Parents are DENIED.

It is FURTHER ORDERED that the District did not violate Chapter 16 in implementing the Students GIEP dated, March 21, 2015.

Jurisdiction is relinquished.

/s/ Vicki A. McGinley, Ph.D.  
HEARING OFFICER