



**ACADEMICALLY OR
INTELLECTUALLY GIFTED
PROGRAM**

**HANDBOOK ON PARENTS'
RIGHTS**

*Due Process Procedures
Updated July 10, 2017*

DUE PROCESS PROCEDURES PURSUANT TO N.C.G.S § 115C-150.7(b)(7)

**REGARDING ACADEMICALLY/INTELLECTUALLY GIFTED
ELIGIBILITY DETERMINATION AND
SERVICES DECISION**

I. General Information Regarding Parent and Student Rights

II. Appeals Process

Step 1 Appeal to the School Academically or Intellectually Gifted Identification Team/Principal

Step 2 Appeal to the Director of Academically or Intellectually Gifted Services

Step 3 Appeal to the Assistant Superintendent for Teaching & Learning

Step 4 Appeal to the Superintendent

Step 5 Appeal to State Level Administrative Law Judge for a Contested Case Hearing

GENERAL INFORMATION REGARDING PARENT AND STUDENT RIGHTS

Parents/Guardians can request screening of student data; however, the student data must support further testing.

The parent/guardian of a student being screened for AIG services may request a screening of student data upon enrollment and once a year for grades 3-8. For grades 9-12, an individual request may be made for students not previously identified for gifted services.

During the screening process, student data is used to make further recommendations regarding the best placement for the student. Students whose data is current and meets the qualifying criteria for placement will be recommended for placement into AIG services. Further testing may be recommended for candidacy for placement into AIG services if needed. If further testing is recommended, the parent/guardian will receive an AIG 2 (permission to test form).

Parents/guardians have the choice of denying testing or consenting to testing. The parent/guardian will need to sign and return the AIG 2 (permission to test form) to the school. No further assessments will be administered without parent/guardian consent for testing.

Parents/Guardians will be notified of the results of further testing in writing as soon as the screening process has concluded. Further recommendations will be sent with the testing results notifying parents of the overall decision regarding student placement. Students who do not qualify for services will continue to be annually screened for gifted services recommendation in grades 3-8. Students in grades 9-12 will be screened on a referral basis.

Students who qualify for services do not receive services until the parent/guardian signs an AIG 4 which is a Differentiated Education Plan (DEP) or Individualized Differentiated Education Plan (IDEP) consenting to services. Parents/Guardians are invited to the school to conference regarding AIG services and address additional concerns regarding the student. The invitation is sent in writing (AIG 3) with the testing results. The parent/guardian conference concludes with the signing of the DEP or IDEP either agreeing to or denying services.

For students who are transferring into UCPS from a district within the state of North Carolina, previous identification information will be used to determine the best placement based on our local criteria and service models.

For students who are transferring into UCPS from a district outside the state of North Carolina, previous identification information will be used as a data point in the screening process. Current standardized, nationally-normed testing data that has occurred within the past year can be used during the screening process to determine further recommendations.

The annual screening process begins after the end of the first semester. Student grades are collected for all students in grades 3-8. Students with an "A" average in reading and/or mathematics are captured and re-evaluated for recommendations once the required state standardized testing is completed and the results have been received by the schools.

Parents/Guardians will be notified in writing of further recommendations from the annual screening process only if the student qualified for services or is recommended for further testing. Students who need further testing will be recommended for summer testing.

All parent/guardian conferences for newly identified students from the annual screening and/or summer testing will commence in the fall of the school year. Parents/Guardians will be notified in writing of the location and time of the conference.

In some cases, students may need a reassessment due to extenuating circumstances. Each case is reviewed on an individual basis. Student data is considered during this process before further recommendation is made.

Parents/Guardians have the right to choose private testing at their own expense. Families who elect to attain private testing must have testing completed by a licensed psychologist. A complete report of testing results must be sent to the AIG office by the psychologist within the first ninety days of school. Any results received after this time may be considered for the annual screening process.

The steps outlined in the rest of this handbook are the appeals process. The appeals process is meant to determine whether or not UCPS improperly failed to identify the student as eligible for gifted services or whether UCPS implemented and provided those services as specified with the DEP or IDEP.

Families that disagree with the decision of the AIG team have the right to appeal the process. A rescreening of student data is conducted in order to determine further recommendations. Parents/Guardians can request screening of student data; however, the student data must support further testing.

**DUE PROCESS PROCEDURES
REGARDING ACADEMICALLY/INTELLECTUALLY GIFTED
ELIGIBILITY DETERMINATION AND SERVICES DECISION**

STEP 1: Appeal to the School Academically or Intellectually Gifted Identification Team/Principal

1. The parent/guardian may request a conference with the academically or intellectually gifted (AIG) Team at the child's school. This request must be made in writing and should include reasons for appeal. If this request concerns test results, then this request must be received by the AIG Team within thirty business days of notification of test results or within thirty business days of the beginning of the school year. The AIG Team should be given ample opportunity (10 business days) to convene all members together for conference.
 2. At this conference, the individual student profile will be examined and discussed. Information used to determine eligibility for service delivery options shall be reviewed with the parent/guardian. If needed, the child's teacher may be asked to provide further documentation concerning student characteristics and achievement by the AIG Team.
 3. At this conference, all information will be shared with parent/guardian, minutes will be recorded, and signatures obtained from those present.
 4. Following the conference, the principal will respond to the concerns in writing within 10 business days of the conference.
 5. If the disagreement is not resolved at this level, proceed to Step II.
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STEP 2: Appeal to the Director of Academically or Intellectually Gifted Services

1. The parent/guardian may appeal the decision of the School level AIG Team to the Director of Academically or Intellectually Gifted Services. The parent must in writing explain concerns and specific points of disagreement with the decision of the AIG Team and submit this written appeal within 10 business days of the decision from the school level.

Please submit this appeal to: Lisa Gibson
Director of Academically or Intellectually Gifted Services
Union County Public Schools
400 North Church Street
Monroe, NC 28112

The conference shall be scheduled within 10 business days of receipt of this request.

2. The Director of Academically or Intellectually Gifted Services will review the concern and additional information may be requested from the child's teacher, the AIG Team, the parent/guardian, and/or the principal prior to the conference. Minutes will be recorded and signatures will be obtained from those present at conference.
3. The Director of Academically or Intellectually Gifted Services shall respond to the concern in writing within 10 business days of the conference.

STEP 3: Appeal to the Assistant Superintendent for Teaching & Learning

1. The parent/guardian may appeal the decision of the Director of Academically or Intellectually Gifted Services to the Assistant Superintendent for Teaching & Learning in writing within 10 business days of the decision. The written request must include concerns and specific points of disagreement.

Please submit appeal to:

Dr. John Jones
Assistant Superintendent for Teaching & Learning
Union County Public Schools
400 North Church Street
Monroe, NC 28112

1. The Assistant Superintendent for Teaching & Learning will review the written appeal. He/she may request further information from the child's teacher, the AIG Team, the parents, the principal, and/or the Director of Academically or Intellectually Gifted Services.
2. The Assistant Superintendent for Teaching & Learning shall respond in writing within 10 business days of receiving the appeal.
3. If the disagreement is not resolved at this level, proceed to Step IV.

STEP 4: Appeal to the Superintendent

1. The parent/guardian may appeal the decision of the Assistant Superintendent for Teaching & Learning to the Superintendent in writing within 10 business days of the decision. The written request must include concerns and specific points of disagreement.

Please submit appeal to:

Andrew G. Houlihan, Ed.D.
Superintendent
Union County Public Schools
400 North Church Street
Monroe, NC 28112

2. The Superintendent will review the written appeal. He/she may request further information from the child's teacher, the AIG Team, the parents, the principal, and/or the Interim Assistant Superintendent for Auxiliary Services.
 3. The Superintendent shall respond in writing within 10 business days of receiving the appeal. If the disagreement is not resolved at this level, proceed to Step V.
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STEP 5: State Level Grievance Procedure

If the parent/guardian disagrees with the decision of the Superintendent, they may file a petition for a contested case hearing in accordance with Article 3 of Chapter 150B of the General Statutes, the Administrative Procedures Act, of North Carolina.

The issues for review shall be limited to:

1. Whether the local system improperly failed to identify the student as eligible for services within its gifted education program.
2. Whether the local system implemented and provided those services specified within the differentiated gifted education plan.

Following the hearing, the administrative law judge shall serve the final decision. The administrative law judge shall give a copy of written findings and the decision to the parties and to the State Superintendent of Public Instruction. Attorney's fees are not available to parents in the event they prevail in a due process hearing.