

Due Process:

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# PARENTS' RIGHTS in the AIG Program

Revised June 2019



LEE COUNTY  
SCHOOLS  
INSPIRED.

Vision for Local AIG Program:

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With a mindset of talent development, Lee County Schools seeks to recognize potential in all student populations. Recognizing that gifted behaviors may be evident in a student's aptitude, academic performance, motivation, or social interactions, Lee County Schools is committed to providing an academic, intellectual, and social/emotional support system so that students may reach their full potential by matching service with the students' identified abilities. In partnership with parents and community, Lee County Schools will identify, develop, and serve gifted potential in students.

## DEFINITION: ACADEMICALLY AND/OR INTELLECTUALLY GIFTED STUDENTS

### State definition according to NC General Statutes-Chapter 115C Article 9B § 115C-150.5. Academically or intellectually gifted students.

The General Assembly believes the public schools should challenge all students to aim for academic excellence and that academically or intellectually gifted students perform or show the potential to perform at substantially high levels of accomplishment when compared with others of their age, experience, or environment. Academically or intellectually gifted students exhibit high performance capability in intellectual areas, specific academic fields, or in both intellectual areas and specific academic fields. Academically or intellectually gifted students require differentiated educational services beyond those ordinarily provided by the regular educational program. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor. (1996, 2nd Ex. Sess., c. 18, s. 18.24(f).)

## DUE PROCESS - PARENTAL RIGHTS

All academically and intellectually gifted students, ages 5 to 20, must be provided a free, appropriate public education. This means that differentiated services will be provided for the academically/intellectually gifted student:

1. At no expense to the parent,
2. According to the guidelines of the North Carolina Department of Public Instruction and the Lee County Academically/Intellectually Gifted Program, and
3. According to the student's Differentiated Education Plan (DEP) or Individual Differentiated Education Plan (IDEP).

### Referral:

When a parent or community member thinks that a child is intellectually and academically gifted and may need differentiated educational services, that person should tell school personnel in writing the reason(s) for referring that child. The referral should include information about the student's characteristics and strengths that require differentiated services. If the student is enrolled in public school, the referral should be given to that student's teacher or principal.

### Screening and Evaluation:

After a child has been referred to determine his/her need for differentiated services in the academically/intellectually gifted program, an evaluation process must be followed:

1. The parent must give written permis-

sion before any individual evaluation is to begin.

2. Testing and evaluation materials must be selected and administered so as not to be racially or culturally biased.
3. Selected tests include those that measure educational achievement and aptitude.
4. Student eligibility for differentiated services will be determined using multiple criteria by a school site team trained to select appropriate options for the individual student.
5. One test or procedure cannot exclude a student from differentiated services in school's academically/intellectually gifted program.

If the parent (guardian) does not agree with the school site's decision concerning eligibility, he/she has the right to submit the results of an independent educational and intellectual evaluation. This evaluation must be given by a qualified examiner who is not employed by the education agency responsible for the student's education. Measures of intellectual aptitude and achievement are two of the criteria used in determining eligibility, and additional measures do not necessarily guarantee placement in the AIG program, although those results will definitely be considered.

### **THE SCHOOL SYSTEM DOES NOT PAY FOR INDEPENDENT EDUCATIONAL AND INTELLECTUAL EVALUATIONS.**

The parent has the right to ask to meet with the School AIG Team to review the decision.

For students identified as academically or intellectually gifted, a differentiated education plan (DEP) must be written. Such a plan will include student strengths and the options considered by the school-site team as appropriate to the student's educational needs.

Placement is the end result of referral, evaluation, consideration of all criteria involved in giftedness, and the development of the DEP. The school system must ensure that placement is based on multiple indicators of giftedness and that options chosen are based on the needs of the student.

Student progress will be reviewed annually. Major reviews of programming options will be conducted at the end of third, fifth and eighth grades. Recommendations for differentiated options for the next grade levels will be made at those times. Service to student will be based on the individual student need for differentiated education. Emphasis will be placed on providing the appropriate student service options match so that the student will experience and demonstrate growth in academic subjects and/or intellectually.

## APPEALS PROCESS

**According to Chapter 115c, Article 9B of the General Statutes of North Carolina, if a parent disagrees with any decisions of the School AIG Team regarding identification of a student for differentiated services in the school's AIG Program, or appropriate services for the student, the parent has the right to appeal that decision. The Parent must follow the procedure described below:**

*If the student was referred but was **not** identified as needing differentiated services by the School AIG Team, to inform the parent or guardian of this decision, the School AIG Team will send or give the parent or guardian the following :*

1. Copy of the Parents' Rights in the AIG Program document
2. Copy of the student's AIG Summary of Eligibility

*If the student was identified by the School AIG Team as needing a Differentiated Education Plan, then, to inform parent or guardian of this decision, the parent or guardian will be invited to a conference and be given the following:*

1. Copy of the Parents' Rights in the AIG Program document
2. Copy of the student's AIG Summary of Student Eligibility
3. Copy of the student's Differentiated Education Plan for the elementary grades, middle grades, or high school.

**If the parent or guardian disagrees with the decision the following steps will be followed:**

### **STEP I: Parent or Guardian**

The parent or guardian may make a written request for a conference with the School AIG Team to discuss the concerns about the decision(s). The request should be addressed to the Chairperson of the School AIG Team.

*If the disagreement is not resolved at the conference, the parent or guardian may appeal to the principal.*

### **STEP 2: Principal Conference**

1. The parent may make a written request within 30 days for a conference with the principal.
2. The principal reviews the concern with the School AIG Team Chairperson.
3. The principal grants the conference within 10 school days of the request and responds in writing within 10 days of the conference.

*If the grievance is not resolved in STEP 2, the parent (guardian) may appeal to the AIG Coordinator and/or Assistant Supt. Of Curriculum and Instruction.*

### **STEP 3: AIG Coordinator and/or Assistant Supt. Of Curriculum and Instruction**

1. The parent may appeal the principal's decision to the AIG Coordinator and/or the Assistant Supt. Of Curriculum and Instruction within 10 days of receiving the principal's response.
2. The AIG Coordinator and/or the Assistant Supt. Of Curriculum and Instruction reviews the concern within 10 days of receipt of the appeal.
3. The AIG Coordinator and/or the Assistant Supt. Of Curriculum and Instruction responds in writing to the parent and principal within 10 days concerning the outcome of the review.

*If the disagreement is not resolved at STEP 3, the parent or guardian may appeal to the Board of Education.*

### **STEP 4: The Board of Education**

1. The parent (guardian) may appeal to the Board of Education in writing within 10 school days following the written response from the AIG Coordinator and/or Assistant Supt. of Curriculum and Instruction.
2. The Board of Education shall offer a final written decision within 30 days after receiving the appeal.

***If the appeal to the Board of Education fails to resolve the disagreement, then:***

1. The parent (guardian) may file a petition

for a hearing under Article 3, Chapter 150B of the General Statutes.

This final step in the appeals process for unresolved disagreements is stated in statute as follows:

**§ 115C-150.8. Review of Disagreements.** In the event that the procedure developed under G.S. 115C-150.7(b)(7) fails to resolve a disagreement, the parent or guardian may file a petition for a contested case hearing under Article 3 of Chapter 150B of the General Statutes. The scope of review shall be limited to (i) whether the local school administrative unit improperly failed to identify the child as an academically or intellectually gifted student, or (ii) whether the local plan developed under G.S. 115C-150.7 has been implemented appropriately with regard to the child. Following the hearing, the administrative law judge shall make a decision that contains findings of fact and conclusions of law. Notwithstanding the provisions of Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final, is binding on the parties, and is not subject to further review under Article 4 of Chapter 150B of the General Statutes. (1996, 2nd Ex. Sess., c. 18, s. 18.24(f).)

**\*\*\* Attorney fees are the responsibility of the parent.**

## LEE COUNTY SCHOOLS

Benjamin T. Bullock	919-718-0160
Bragg Street Academy	919-775-2686
Broadway Elementary	919-258-3828
Deep River Elementary	919-776-2722
East Lee Middle School	919-776-8441
Floyd L. Knight Children's Center	919-774-4634
Greenwood Elementary	919-776-0506
J. Glenn Edwards Elementary	919-774-3733
J. R. Ingram	919-774-3772
Lee County High School	919-776-7541
Lee Early College	919-718-7259
SanLee Middle School	919-708-7227
Southern Lee High School	919-718-2400
Tramway Elementary	919-718-0170
Warren Williams Elementary	919-774-3529
West Lee Middle School	919-775-7351
W.B. Wicker Elementary	919-897-5400

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