

PARENTS' RIGHTS HANDBOOK



**Parents' Due Process Procedures Regarding
Academically/ Intellectually Gifted
Identification And Service Decisions**

BURKE COUNTY PUBLIC SCHOOLS

2022-2025

Parents' Rights

1. The parent/guardian has the right to be involved in the nomination process for considering his/her child for AIG identification. Parents are encouraged to contact their child's teacher or School-Based Committee Chairperson (SBC) for more information about the testing process. A reminder to parents, students can be tested once a year by the Burke County Public Schools Advanced Learning Department.
2. When testing is not necessary due to not meeting initial criteria that would lead to aptitude and achievement assessments, the parent/guardian may request to review and discuss the document: Teacher Rating Scale and Motivation Scale with the teacher(s).
3. The parent/guardian has the right to review the scores, and discuss the Teacher Rating Scale, Motivation Scales, Aptitude, and/or Achievement.
4. If a child is not identified as AIG, the SBC is required to send information to the parent/guardian indicating no differentiation is needed within two weeks of receiving scores.
5. The parent has the right to request, appeal, and petition the decision(s).
6. When a child has been identified as AIG, but encounters some difficulties that result in grades below a C, the parent/guardian has the right to request a conference with the teacher(s) and the School-Based Committee to determine if interventions are needed to help the child become more successful or identify appropriate interventions.
7. Only the parent may elect to exit their child from the program once the child has been identified.

Student Nomination Process

Students are nominated for consideration via four methods:

1. EOG/BOG nomination (93 percentile +)
2. Countywide CogAT nomination (90 percentile +)
3. Teacher nomination
4. Parent nomination

If the student was **NOMINATED, but NOT IDENTIFIED** as needing differentiated services by the School-Based Committee for Gifted Education,

Inform parents/guardians of this decision by providing the following:

1. Copy of Individual Student Profile (AIG-1)
2. Copy of Due Process Procedures (I-VI)

If the student was **IDENTIFIED** and the School-Based Committee for Gifted Education recommends a **DIFFERENTIATED EDUCATION PLAN (DEP)**,

Inform parents/guardians of this decision by providing them the following:

1. Copy of Individual Student Profile (AIG-1)
2. Copy of Differentiated Education Plan (DEP)
3. Copy of Due Process Procedures (I-VI)

IF PARENTS HAVE DISAGREEMENTS REGARDING NOMINATION, IDENTIFICATION, OR SERVICE OPTIONS, THEY ARE GUARANTEED THE DUE PROCESS PROCEDURES ON THE FOLLOWING PAGES.

Burke County Public Schools Due Process Procedures Regarding Academically/ Intellectually Gifted Identification and Services Decisions

- I. Parent/guardian requests a conference with the School-Based Committee for Gifted Education.
- II. The parent/guardian requests a conference with the school principal.
- III. The parent/guardian appeals the principal's decision to the Burke County AIG Director.
- IV. The parent/guardian appeals to the Assistant Superintendent of the Burke County Public Schools.
- V. The parent/guardian may appeal to the Superintendent.
- VI. The parent/guardian appeals to the Burke County Board of Education.
- VII. The parent/guardian petitions the administrative law judge for a contested case hearing.

DUE PROCESS PROCEDURES

STEP I – School-Based Committee (SBC) Conference

A. Parent/guardian may make a request* for a conference with the SBC to discuss the concerns about the recommendation.

*A written request is preferred. Please keep a written request for documentation of due process. If the request is oral, please make a note of the date of request for SBC records.

B. The SBC reviews the student's record and their previous nomination, identification, and service option decisions. The committee may gather additional information about the student from teachers and/or parents as needed. The Individual Student Profile (AIG-1) may be updated.

C. The SBC grants the conference within 5 school days of request and responds to parent/guardian in writing within 5 school days of conference.

IF THE DISAGREEMENT IS NOT RESOLVED AT THE SBC CONFERENCE, THEN PROCEED TO STEP II – PRINCIPAL CONFERENCE.

(Unless the principal of the school was on the School-Based Committee)

STEP II – Principal Conference

(If the principal was part of the SBC, proceed to STEP III.)

- A. Parent may make a written request within 30 days for a conference with the principal.
- B. Principal reviews the recommendation with the SBC chairperson.
- C. Principal grants the conference within 5 days of request and responds in writing within 5 days of the conference.

IF THE DISAGREEMENT IS NOT RESOLVED AT THE PRINCIPAL CONFERENCE, THEN PROCEED TO STEP III- APPEAL TO AIG DIRECTOR

STEP III - Appeal to AIG Director

- A. Parent/guardian may appeal the principal's decision in writing to the AIG Director within 5 days of receiving the response.
- B. AIG Director review(s) the grievance within 5 days of receipt of the appeal.
- C. AIG Director respond(s) in writing to the parent and principal concerning the outcome of the review 10 School days.

IF THE GRIEVANCE IS NOT RESOLVED AT STEP III, THEN PROCEED TO STEP IV – APPEAL TO ASSISTANT SUPERINTENDENT

STEP IV – Appeal to the Assistant Superintendent

- A. Parent/guardian may appeal decision of AIG Director to the Assistant Superintendent within 5 days of receiving the response.
- B. Assistant Superintendent reviews the grievance within 5 days of receipt of the appeal.
- C. Assistant Superintendent responds in writing concerning the outcome within 10 school days to the parent/guardian and principal. They may then appeal to the superintendent.

IF THE GRIEVANCE IS NOT RESOLVED IN STEP IV,
THEN PROCEED TO STEP V – APPEAL TO THE
BOARD OF EDUCATION

STEP V – Appeal to Burke County Public Schools Board of Education

- A. Parents may appeal to the Board of Education in writing within 10 school days following the written response from Step IV.
- B. The board shall offer a final written decision within 30 days.

IN THE EVENT THAT THE LOCAL GRIEVANCE
PROCEDURE FAILS TO RESOLVE THE
DISAGREEMENT, THEN THE STATE LEVEL
GRIEVANCE PROCEDURE WOULD BE
IMPLEMENTED.

STEP VI – State Level Grievance Procedure

A. Parent may file a petition for a contested case hearing under Article 3 of Chapter 150B of the General Statutes.

The scope of the review shall be limited to:

- (i.) whether the local school administrative unit improperly failed to identify the child as academically or intellectually gifted student,
- (ii.) whether the local plan has been implemented appropriately in regard to the child.

B. 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.

TRANSFERS

When an identified student transfers to the Burke County Public Schools his or her AIG folder/data will be requested. Once there is documentation from the previous school that the student is identified as being AIG, the student will be placed in AIG classes.

If a parent/guardian plans to move to another LEA from the Burke County Public Schools, the parent/guardian is informed of differences in the identification criteria of other LEAs. The parent/guardian is given the name of the AIG contact for the new LEA so that he/she may inquire about the differences. When the BCPS schools' is informed of withdrawal, copies of the documents in the child's AIG folder will be sent to the school in the new LEA.