

## **CMS AIG Procedure to Resolve Disagreements**

The procedure to resolve disagreements is as follows:

Pursuant to N.C.G.S. § 115C - 150.7 (7) and § 150B, Article 3, the parent/guardian has the right to disagree with the following processes and services:

- Identification of student
- Appropriate services for the gifted student

### **Step 1:**

The parent/guardian makes a written request via email to the school's AIG Teacher and Principal for a conference with the AIG Site-Based Committee to discuss concerns regarding identification or services within **30 calendar days** of receiving evaluation results. The school principal is notified of this concern.

- A conference between the school and the parent/guardian must be scheduled within **15 calendar days** of receipt of the written request from parents.
- The committee will share the identification process and the data and documentation used to support the decision at the conference.
- The school must document the meeting and record minutes.

### **Step 2:**

If the concern/disagreement is not resolved at the school-based conference:

- The parent/guardian may appeal the decision by sending written notice via email to the Director of Advanced Studies within **14 calendar days** of the AIG Site-Based Committee meeting.
- The Director of Advanced Studies will notify the school, the Assistant Superintendent of the School Performance Area, and the Executive Director of Exceptional Children of the appeal.
- The Director of Advanced Studies will schedule a conference within **15 calendar days** of receiving the parents' notice of appeal. The conference must occur within **30 calendar days** of receiving the notice of appeal unless the parents request an extension.
- The Director of Advanced Studies will review all documentation, including student data, and the parent/guardian's disagreement.
- At the conference, the Director of Advanced Studies will listen to the parents' concerns and reasons for disagreement with the district's decisions and answer questions.
- The Director of Advanced Studies will share their decision with the parents via email within 24 hours of the conference. The principal, Assistant Superintendent of the School Performance Area, and Executive Director of Exceptional Children will be copied on the email.

## **CMS AIG Procedure to Resolve Disagreements**

### **Step 3:**

If the concern/disagreement is not resolved through a conference with the Director of Advanced Studies:

- The parent/guardian may appeal the decision by sending written notice via email to the Assistant Superintendent of the School Performance Area for their child's school and the Executive Director of Exceptional Children.
- Within **15 calendar days** of receipt of the notice of appeal from the parents, the Assistant Superintendent of the School Performance Area and Executive Director of Exceptional Children will schedule a conference with the parents. The conference must occur within **30 calendar days** of the receipt of the notice of appeal, unless the parents request an extension of time.
- The Assistant Superintendent of the School Performance Area and Executive Director of Exceptional Children will review all documentation and the parent/guardian's disagreement.
- At the conference, the Assistant Superintendent of the School Performance Area and Executive Director of Exceptional Children will listen to the parents' concerns and reasons for disagreement with the district's decisions, and answer questions.
- The Assistant Superintendent of the School Performance Area and the Executive Director of Exceptional Children will share their decision with the parents via email within 24 hours of the conference.

### **Step 4:**

If the concern/disagreement is not resolved at the meeting with the Associate Superintendent of the School Performance Area and the Executive Director of Exceptional Children:

- The parent/guardian may appeal the decision by making a written request via email for a meeting with the Superintendent of Schools (or his/her designee).
- At the meeting, the Superintendent (or his/her designee) will review the documentation of the disagreement and hear the parent/guardian's concerns.
- The Superintendent (or his/her designee) will notify the parent of his/her decision via email within fifteen school days after meeting with the parents.

### **Step 5:**

If the parent/guardian disagrees with the Superintendent's decision, he/she may file for a State Mediation and, if appropriate, a State Due Process petition.

- **State Mediation:** Parent/guardian makes a written request for a State Resolution Meeting to the Director of Advanced Studies. Both CMS and the parent/guardian will agree upon an impartial mediator. A list of mediators will be sent to the parent/guardian to make his/her selection of mediator. CMS will notify the parent/guardian of the

## **CMS AIG Procedure to Resolve Disagreements**

scheduled conference date within the required 15 school days due process timeline. Parent/guardians, school representatives, and impartial mediator will meet to discuss disagreements. The impartial mediator will make a determination using school and parent/guardian input. The mediator will develop a written agreement between parent/guardian if a resolution is reached. If the impartial mediation procedure fails to resolve the disagreement(s), the State Due Process procedure will be implemented.

- **State Due Process:** The parent/guardian files 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 the following: Whether the local school administrative unit improperly failed to identify the student as academically or intellectually gifted; and whether the local plan developed has been implemented appropriately with regard to the student. An Administrative Law Judge will review the case. His/her decision is final, is binding on the parties, and is not subject to further review under Article 4 of Chapter 150B of the General Statutes.