

Swain County Administrative Unit

APPEALS PROCEDURE FOR PARENTS/GUARDIANS OF ACADEMICALLY AND INTELLECTUALLY GIFTED STUDENTS

Parents, guardians and teachers of academically and intellectually gifted students should work together as partners to nurture the growth and progress of children. Conferences and open communications are encouraged in order to maximize the potential of the student.

According to Chapter 115-C, Article 9B of the General Statute of North Carolina a parent or guardian who disagrees with a schools' Academically Gifted Team decision regarding referral, placement, or service options, are guaranteed the due process procedures following:

Step I. Parent/guardian may request a conference with the Academically and Intellectually Gifted Team for Gifted Education, known as the AIG Team.

Step II. The parent/guardian may appeal the AIG Team's decision to the Swain County Schools' Academically Gifted Coordinator.

Step III. The parent/guardian may next appeal to the Superintendent of the Swain County Schools or his designee.

Step IV. The parent/guardian may then petition the administrative law judge for a contested case hearing.

SWAIN COUNTY SCHOOLS ACADEMICALLY and INTELLECTUALLY GIFTED STUDENTS.

Step I. AG Team Conference

A. Parent/Guardian may make a request for a conference with the AiG Team to discuss the concerns. (A written request is required. Please keep written request for documentation.)

B. School-Based Committee (known as SBC) and the AIG Team, reviews the student's record and their previous referral, identification, and service option decisions. The committee may gather additional information about the student from teachers and parents as needed. The Individual Student Profile may be updated.

C. The AIG Team and SBC grant the conference within 10 school days of request and responds to the parent/guardian and principal in writing within 5 school days prior to conference.

IF THE DISAGREEMENT IS NOT RESOLVED AT THE AIG/SBC TEAM CONFERENCE, THEN PROCEED TO STEP II—APPEAL TO AIG COODINATOR.

Step II. Appeal to AIG Coordinator

- A. Parent/guardian may appeal the AIG/SBC Team's decision in writing to the AIG Coordinator within 10 days of receiving the response.
- B. AIG Coordinator shall review the grievance within 10 days of receipt of appeal.
- C. AIG Coordinator responds in writing to the parent/guardian and principal concerning the outcome of the review within 10 school days.

IF GRIEVANCE IS NOT RESOLVED AT STEP II, THEN PROCEED TO STEP III – APPEAL TO SUPERINTENDENT.

STEP III. Appeal to Superintendent

- A. Parent/guardian may appeal in writing the decision of the AIG Coordinator to the Superintendent or his designee within 10 days of receiving the response.
- B. Superintendent reviews the grievance within 10 days of the receipt of the appeal.
- C. Superintendent responds in writing concerning the outcome within 10 school days to the parent/guardian and principal.

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

STEP IV – State Level Grievance Procedure

- A. Parent/guardian may file a petition for a contested case hearing under Article 3 of chapter 150 B of the General Statutes. The scope of the review shall be limited to:
 - whether the local school administrative unit improperly failed to identify the child as a high achiever or an academically gifted student.
 - 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 finds 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 all parties, and is not subject to further review under Article of Chapter 150B of the General Statutes.