



## **MGSD Academically and Intellectually Gifted Program**

### **Your Rights As A Parent**

Academically and intellectually gifted students are provided a free appropriate public education. This means that differentiated services are provided for the academically and intellectually gifted student (1) at no expense to the parent, (2) according to guidelines of the North Carolina Department of Public Instruction and the district's Academically and Intellectually Gifted Program, and (3) according to the student's Differentiated Education Plan (DEP).

**Referral:** When any person believes that a child is academically or intellectually gifted and may need differentiated educational services, that person should inform school personnel in writing the reason(s) for referring the child and complete the appropriate student checklist. The referral should include information about the student's characteristics and strengths that require differentiated services. A student must be enrolled in public school, and the referral should be given to the student's teacher or a school administrator.

**Screening and Evaluation:** After a child has been referred and in order to determine his/her need for differentiated services in the academically and intellectually gifted program, a screening process must be followed:

1. The parent must give written permission before any individual screening may be done.
2. A school-site team must review all referrals and make a recommendation for further evaluation.
3. Student eligibility for differentiated services will be determined by a school-site team trained to make appropriate recommendations for the individual student.

If the parent does not agree with the system's decision concerning eligibility, he/she has the right to obtain and submit results of an independent educational and/or 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 academically gifted program, although those results are considered. The school system is not responsible for paying for independent evaluations to determine student eligibility. The parent has the right to ask to meet with the school-site team to review the committee decision.

For students identified as academically and intellectually gifted, a differentiated education plan or program is 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.

If a parent disagrees with any decision(s) of the school-site committee regarding referral, identification, or services, the following procedure will be followed:

1. The parent may request in writing a conference with the AIG School Review Team.
2. If the parent still disagrees with the committee decision, he/she may appeal the decision by making a written request to the Executive Director of Instruction within 30 days of the conference with the AIG School Review Team. The Executive Director of Instruction will review the decision of the team and grant a conference within ten (10) school days of the parental request and respond in writing within five (5) days of that conference.
3. If the disagreement is not resolved with the Executive Director of Instruction's decision, the parent may request to have the decision reviewed by mediation. The parent may ask the school system to contact the Department of Public Instruction for a mediator, a person knowledgeable about the area of gifted education. The mediator selected will review the decision made by the school system and will render a decision within 30 days.
4. If mediation fails to resolve the disagreement satisfactorily, the parent may file a petition for a contested case hearing under the NC General Statutes. The hearing will be limited to consideration of (1) whether the local school unit improperly failed to identify the student as an academically gifted student and (2) whether the local plan has been implemented appropriately.

Following the hearing, the administrative law judge will make a decision based on the findings of fact and conclusions of law. The decision of the administrative law judge becomes final, is binding on all parties, and is not subject to further review under the NC General Statutes. Attorney fees are the responsibility of the parent.