

Procedure to Resolve Disagreements

According to Chapter 115C, Article 9B of the General Statutes of North Carolina, a parent or guardian who disagrees with a school's AIG Team's decision concerning identification of a student for differentiated services in the school's AIG Program, or appropriate services for the student, has the right to appeal that decision. The following procedure should be followed:

If the student was referred but was not identified as needing differentiated services by the school's AIG Team, parents will be informed of this decision and will be sent a copy of the student's Notification of Non-Identification (AIG 3b). Parents may request a copy of the AIG law and the *Procedure to Resolve Disagreements for Catawba County*.

Step One

Conference with the teacher/principal. If the matter is not resolved at the school level, the parent would proceed to contact an AIG Consultant. If the matter is not resolved at this level, the parent would proceed to Step Two.

Step Two

1. The parent may make a request for a conference with the Assistant Superintendent for Curriculum and Instruction or designee.
2. The Assistant Superintendent for Curriculum and Instruction or designee reviews the concern with the AIG Consultant and parents.
3. The Assistant Superintendent for Curriculum and Instruction or designee grants the conference within 10 working days of the request and responds in writing within 10 working days of the conference.

Step Three

1. The parent may appeal the Assistant Superintendent's decision to the Superintendent or designee within 5 days of receiving the response.
2. The Superintendent or designee reviews the concern within 10 days of receipt of the appeal.
3. The Superintendent responds concerning the outcome of the review within 10 working days to the parent and principal.

Step Four

Pursuant to General Statute 115.C-45: All decisions made by school personnel may be appealed to the Board of Education.

115C-150.8 Review of Disagreement

In the event that the procedure developed under G.S. 115C150 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.115C150.7 has been implemented appropriately with regard to the child. Following the hearing, the administrative law judge shall make a decision that contains findings and conclusions of law. Notwithstanding the provisions of Chapter 150B of the General Statues, 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 Statues. Attorney's fees are not available to parents in the event they prevail in a due process matter.