

Appendix B

Procedure to Resolve Disagreements

Effective: August 25, 2013

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 procedures and services:

- **Identification of student**
- **Appropriate services for the gifted student**

Disagreement with identification/services must be filed within 90 calendar days of the initial decision.

1. The parent/guardian makes a written request for a conference with the school-based Talent Development (TD) committee to discuss concerns regarding identification or services. The school principal is notified of this concern.
 - A. A conference between the school and the parent must be scheduled within 15 school days of receipt of the written contact from parents.
 - B. At the conference, the committee will share the identification process and the documentation used to support the decision. The parent may provide outside test results completed by a licensed North Carolina psychologist for consideration.

Appeals regarding Horizons placement begins at Step 2.

2. If the concern/disagreement is not resolved at the school-based conference:
 - A. The parent/guardian may appeal the decision by sending written notice to the Director of Advanced Studies.
 - B. The Director of Advanced Studies will notify the school, the Learning Community, and the Chief Academic Officer of the appeal.
 - C. Within fifteen days of receipt of the notice of appeal from the parents, the Director of Advanced Studies will schedule a conference. The conference must occur within 30 days of the receipt of the notice of appeal, unless the parents request an extension of time.
 - D. The Director of Advanced Studies will review all documentation and the parent/guardian's disagreement.
 - E. At the conference, the Director of Advanced Studies will facilitate a process to resolve the parents' disagreement with the district's decisions.
3. If the concern/disagreement is not resolved through a conference with the Director of Advanced Studies:
 - A. The parent/guardian may appeal the decision by sending written notice to the Learning Community Superintendent of their child's school.
 - B. The Learning Community Superintendent will organize a team of TD teachers, from other schools within that Learning Community, who will review the documentation and the parent/guardian's complaint. The Learning Community Superintendent will notify the parent of the opportunity to provide additional documentation for consideration. Once this process is completed, the Learning Community Superintendent and this team of TD teachers will render a decision.
 - C. After a decision has been reached, the Learning Community Superintendent will convene a Resolution Meeting with members of the team of TD teachers, the Learning

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Community Superintendent and the parents, at which the staff will discuss their findings with the parent. The Learning Community Superintendent must send a follow-up letter detailing the decision to the parents within 15 days of the Resolution Meeting.

- D. If the parent/guardian intends to be represented by legal counsel at this meeting, they must notify the Learning Community Superintendent so that CMS legal counsel may be notified of the meeting. If parents appear with counsel but have not given prior notice of the intention to be so represented, the Resolution Meeting will be rescheduled to a later date.
4. If the concern/disagreement is not resolved at the Resolution meeting:
 - A. The parent/guardian may appeal the decision by making a written request for a meeting with the Superintendent of Schools (or his/her designee).
 - B. At the meeting, the Superintendent (or his/her designee) will review the documentation of the disagreement and hear the parent/guardian's concerns.
 - C. The Superintendent (or his/her designee) will notify the parent of his/her decision within fifteen school days after meeting with the parents.
 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.

A. State Mediation

- Parent/Guardian makes a written request for a State Resolution Meeting to the Director of Talent Development and Advanced Studies.
- Both the school district 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.
- The school district will notify the parent/guardian of the 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. In the event that the impartial mediation procedure fails to resolve the disagreement(s), the State Due Process procedure will be implemented.

B. 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