

**STATE COMPLAINT
AND
MEDIATION PROCESSES**

FOR MATTERS PERTAINING TO GIFTED STUDENTS

STATE COMPLAINT PROCESS

When attempts to resolve a problem at the local level have failed, and when it is believed that a local education agency (LEA) is violating *Alabama Exceptional Child Education Act* (1971, No. 106) (Act 106) or the *Alabama Administrative Code* 290-8-9-.12 (AAC) pertaining to a student's gifted services, the complaint process may be utilized. Only a parent of a child who is gifted may file a state complaint.

(a) Filing a Complaint with the State Department of Education.

1. Any complaint filed must be for issues/allegations that occurred not more than one year prior to when the State Department of Education (SDE) receives it.
2. A signed written complaint must be filed at Special Education Services (SES). A form for submitting a complaint is available at www.alsde.edu, point to Sections, in the pop-up window click on Special Education, and when the page opens click on the Gifted link at the top of the page. The form may also be acquired by calling (334) 242-8114.
3. When filing a signed written complaint, the complainant must fully complete the required form.
4. A copy of the complaint must be sent to the LEA superintendent.

(b) Acting on Complaints.

1. The State Program Coordinator of Special Education Services will assign a staff member to review and investigate the complaint.
2. A copy of the complaint will be sent to the LEAs involved.
3. The LEA shall submit a written resolution statement, plan of action, or statement of position to the assigned complaint contact within 15 calendar days from receipt of the signed written complaint.
4. SES will review the response and determine what other actions may be necessary.
5. The entire complaint process shall be completed within 60 calendar days from receipt of the complaint. SES may grant an extension of time when it can be established that exceptional circumstances warrant delay.
6. A timely report will be issued to the complainant and the LEA involved.

MEDIATION PROCESS

When attempts to resolve a problem at the local level have failed, and when the LEA and the parents disagree on matters pertaining to the identification, evaluation, eligibility or Gifted Education Plan (GEP), either party may request a state mediation process to resolve the issue(s). The Program Coordinator of Special Education Services, provides a discretionary process of mediation, where the parties may resolve their differences in a less formalized and less adversarial manner. Mediation is entirely optional and voluntary for the parties. Only a parent of a child who is gifted, or who disagrees with the identification decision, evaluation, GEP, or who is in the referral process may request mediation.

(a) Requesting Mediation

1. Either party may request a Mediation Conference by writing to the Program Coordinator, Special Education Services, or by calling 334-242-8114. An assigned mediator will contact the other parties to determine if they are willing to participate in mediation.
2. The assigned mediator will work with the parties at a suitable date, time and location.
3. Either party participating in mediation may utilize a representative when they believe such assistance would be helpful in resolving the issues.

(b) Mediation Process

Although the mediation conference is an informal process utilized to resolve problems, the mediator will utilize some structure in order to provide a forum whereby discussion can be accomplished and agreements made in an orderly manner.

60-Day State Complaint Letter for Gifted Issues

Date _____

Ms. Crystal Richardson
Program Coordinator, Special Education Services
Post Office Box 302101
Montgomery, Alabama 36130-2101

Dear Ms. Richardson:

I am the parent of a student that is gifted (or that I believe to be gifted but the student has not been identified as gifted). **Only the parent of a student or the student who has reached the age of majority may file a State Complaint.**

I believe the _____ School System has violated requirements in the *Alabama Administrative Code*, 290-8-9-.12 Gifted. I am filing this **signed** 60-Day State Complaint. The violation(s) alleged by this complaint occurred not more than one year prior to the date the complaint will be received by Special Education Services. The facts on which the complaint is based and a proposed resolution are in the boxes on page 2 of this complaint.

I understand that prior to filing a State Complaint; I am required to utilize the local agency's grievance procedure.

Use this box to describe how you used the local school system's procedure(s) to resolve your concerns. Please provide documentation of your attempts to resolve the violation and the results.

The name and address of the residence of the child:
Name:
Address:
City/State/Zip
Telephone Number ()
Name of school child attends:
(If the child is homeless, provide any available contact information.)
<u>Description of the problem, including facts relating to the problem:</u>
<u>Proposed Resolution(s) to the extent known and available to the party at the time the complaint is filed:</u>

Sincerely,

_____ Signature of Person Filing Complaint
_____ Printed Name
_____ Street Address, Route Number, or P.O. Box Number
_____ City/State/Zip
_____ Telephone Number

cc: Local Education Agency Superintendent
60-Day State Complaint Letter for Gifted Issues 10/20/14

Page 2 of 2

A Request for Mediation for Gifted Issues

I understand that I must first utilize the local education agency's grievance procedure prior to requesting mediation. Mediation is a voluntary process for all the parties who agree to participate. I may request mediation by using the form letter below:

Date _____

Ms. Bernice Rush-Harrison
Mediation Coordinator
Special Education Services
Post Office Box 302101
Montgomery, Alabama 36130-2101

Dear Ms. Rush-Harrison:

I am the parent of a child who is gifted (or have the authority to act as the child's parent).
My child's name is _____ . Currently my child is enrolled at
_____ School, in the _____ School System. My child's
birthdate is _____ .

Please explain why mediation is requested.

Sincerely,

_____	Signature of Person Requesting Mediation
_____	Printed Name
_____	Street Address, Route Number, or P.O. Box Number
_____	City/State/Zip Code
_____	Telephone Number

RIGHTS IN GIFTED EDUCATION
(Please keep this form for your records. Do not return.)

Student Name: _____

School: _____ **Teacher:** _____

The following is an explanation of rights available to students who are in the referral process or who are identified as gifted. If you would like a further explanation of any of these rights you may contact the gifted specialist, your school principal, the special education coordinator or gifted supervisor, in your school system.

CONSENT: 1) Right to give consent before a referral or individual assessment is conducted and before initial placement is made in a gifted program; 2) Right to refuse consent for referral or individual assessment or the initial provision of gifted education services; 3) Right to revoke consent at any time.

EVALUATION PROCEDURES: 1) Right to a referral and subsequent assessment of the child's educational needs for the purpose of determining placement and services; 2) Right to have more than one criterion used in determining an appropriate educational program for the child.

GIFTED EDUCATION PLAN (GEP): 1) Right to attend the meeting to develop, review, or revise the GEP; 2) Right to be notified of the GEP meeting early enough to ensure an opportunity to attend; 3) Right to have the GEP meeting scheduled at a mutually agreed upon time and place; 4) Right to a copy of the GEP upon request; 5) Right to bring other people to the GEP meeting; 6) Right to ask for a revision of the GEP.

DISPUTE RESOLUTION PROCESS: When attempts to resolve a problem at the local level have failed, dispute resolution processes are available from Special Education Services. Information regarding these processes can be obtained by contacting the school system's gifted coordinator. You can also contact the gifted education specialists at the Alabama State Department of Education by calling (334) 242-8114.