

Summary of Oregon TAG rules and complaint procedures:

As an Oregon student your gifted child has the right to:

A district process for the identification of talented and gifted students in grades k-12. Both tests of academic achievement and of intellectual aptitude must be available in all grades.

Use of more than one piece of information or test score in making the decision on whether to identify your student as Talented and Gifted. One nationally standardized test score must be included.

An assessment following identification to determine his or her instructional needs.

Instruction at his or her ASSESSED LEVEL of learning

Instruction at his or her ACCELERATED RATE of learning

Timely provision of services

If a student is found to have the potential of performing at the 97th percentile in Math, Reading or Aptitude, he or she is entitled to the same services as an identified TAG student.

As an Oregon parent, you have the right to:

Request TAG testing for your child.

Consent to individualized testing.

Be notified of the decision about whether your child qualifies for TAG⁺

Appeal if you are told your child does not meet the TAG qualifications.

Withdraw your child from TAG services at any time and be notified of this right

Provide input concerning the services to be given to your child.

Receive a timely reply (within 45 days) to any complaint you make to your district superintendent regarding a violation of the State TAG standards after you have exhausted your options at the building level.

Be informed of your right to file a complaint with the State Superintendent under the Administrative Rules concerning complaints⁺

Review and correct all school files concerning your child including test results and teacher notes. This includes “confidential” or TAG files as well as “cumulative files,” unless it would violate attorney-client privilege. This is stated by Federal law and confirmed by Oregon State Law.

File an appeal with the Superintendent of Public Instruction if you believe that these rights have been violated. The Oregon Department of Education has an obligation to investigate your complaints and issue a report. If it finds that the complaint is justified and the district fails to submit a plan of correction, the Department may withhold all state funding to the district.

Oregon School Districts must:

Maintain a board policy and written procedures concerning talented and gifted students

Have procedures to identify students who are in ethnic minorities, are disabled, are culturally different, or come from low-income families.

Provide appropriate instruction at each TAG-identified child's assessed level of learning and accelerated rate of learning.

Provide a process for the prompt resolution of complaints

Complaint Procedure

1. Work with your local school district to resolve the difficulty. Before appealing to the state:

- (a) exhaust the local district complaint procedure OR
- (b) appeal to the state 45 days **after** filing a written complaint with the school district

2. Appeal to the State Superintendent of Public Instruction by providing:

- (a) Your name, address, and district of residence
- (b) The name and address of your school district
- (c) A brief statement explaining how the district failed to implement the Oregon TAG mandate or other education standards created by state laws or administrative rules

3. The State Superintendent decides whether the violation is addressed in the mandate or other state education laws and rules. If the complaint does not describe violations of the mandate or other state standards it is not accepted. If the complaint does describe violations of the mandate it is accepted. It may be accepted in part if not all the activities described are part of the mandate or state laws and standards. The complainant(s) and the school district are notified of this decision.

4. If the appeal is accepted the district submits (within 30 days) a written report to the state concerning the allegations in the complaint.

5. The Oregon Department of Education investigates the complaint to the extent necessary for fact-finding. The Department investigates only the areas described by the complaint. For example, if a complaint concerns a problem with instruction, the Department will not investigate identification procedures unless that topic was also included in the complaint.

6. The State Superintendent issues a written decision within 60 days of receiving the district report, noting any deficiency found by the investigation. If a deficiency is found,

the decision will include the steps that must be taken to correct the problem and the evidence the district must provide to show that it has made the corrections. The district must submit a plan to correct the problem within 90 days. If a district does not submit a plan of correction within 90 days, it will lose all its State School funding until it does submit a satisfactory plan.

7. If the plan of correction is not implemented within the time specified by the State Superintendent, the State Superintendent may withhold some of the district's State School Fund money until the deficiencies are corrected unless doing so would create undue hardship. Extensions may not be greater than a year unless the State Superintendent finds that financial hardship caused the deficiency.