



"Learners Today, Leaders Tomorrow!"

Reviewed 6/26/24

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Special Education Program

Destinations Career Academy of Georgia (GADCA) follows federal and GADCA GUIDELINES in regard to providing a free and appropriate public education (FAPE) to students eligible for special education services under the supervision of the school's Special Education Department. The Georgia Department of Education special education manual serves as a basis for policies and procedures for the Special Education Department.

The GADCA Special Education Department is led by the Academic Administrator of Special Programs and supported by the Stride National Special Programs Managers.

As GADCA is a virtual learning environment, special educational services and support are provided through online meeting rooms, phone meetings, and electronic communications.

Destinations Career Academy of Georgia takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as provided to students without disabilities. Nonacademic and extracurricular services and activities include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that aid individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.

[Link to Georgia Special Education Rules/Manual](#)

[Georgia Department of Education Website](#)

Parent Engagement

Destinations Career Academy of Georgia views parents as a vital part of the learning process and encourages parents to not only take a leading role in their child's education but to be an active participant in the IEP process. Destinations Career Academy of Georgia staff work to provide parents with the support and tools necessary to ensure that their student is successful in the virtual learning environment. If a parent is struggling to support their student in this unique environment, GADCA staff will work with that parent to provide various strategies to assist them in providing the student with the best learning environment.

FAPE

All students with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). This includes children who are eligible for special education from the ages of three (3) through twenty-one (21).

Definition of FAPE

The special education and related services that make up the FAPE are provided to children identified with disabilities who have an IEP at no cost to the parent. Special education and related services, including special

education at the preschool, elementary, and secondary levels, are services that are provided so eligible students can make progress toward and/or meet the educational standards of Georgia. All students will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual student and his or her disability.

While the education provided to the student with an IEP must be appropriate and must address what the individual student needs in order to make educational progress, this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a student is receiving FAPE. Each student is an individual and his or her appropriate education is determined on a case-by-case basis. In addition, the term “appropriate” is not the same as “best”; “appropriate” is a minimal standard that assures the student has the opportunity to make educational progress.

Students Entitled to FAPE

Students are entitled to FAPE when they are determined eligible for special education and related services. This can be as early as 3 years of age. If a child is receiving services prior to age 3 through the Babies Can’t Wait (BCW) program, then both the BCW program and the district have an obligation to work together to transition the child to the public school program by the child’s 3rd birthday. Children should have eligibility for special education determined and an IEP developed and in place by age three if they were previously receiving services.

Children are entitled to continue to receive special education and related services through their 21st year (or until they turn 22) if they remain eligible for special education and they have not graduated with a regular high school diploma. Entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first.

When a student with an IEP graduates with a regular diploma or ages out of school (i.e., turns 22 years of age), he or she must be provided with a Summary of Performance (SOP) of his or her academic and functional needs. The SOP also includes strategies to assist the student in achieving his or her desired postsecondary goals. Although not required for students who receive a special education diploma or other exit document, such as a certificate of attendance, GADCA will provide the SOP to ALL students with IEPs who are exiting. Those students who do not earn a regular diploma or transition to a specific job are those who will most likely need all the assistance available to develop successful adult lifestyles, and the SOP is a tool that can assist with this.

Incarcerated Students

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) must receive their educational programs. Each of these agencies provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ and DOC are public schools and should be treated as other public schools when providing records in an expeditious manner.

Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE.

A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. GADCA will need to work closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while GADCA's obligation is to provide FAPE.

Accessible Instructional Materials

Accessible Instructional Materials (AIMs)/Accessible Educational Materials (AEMs) are specialized formats of textbooks, workbooks, etc. that students use in the classroom to learn. These formats do not change the content of the original printed material; instead, they allow the student to access the information another way that works better for those with visual impairments, blindness, or other print disabilities. They are considered accommodations for students with print disabilities, allowing them to hear the text read aloud (audio recording) or see and hear the text read with highlighting of the text on the computer (electronic text version). These alternate formats may require Assistive Technology to be used by the student.

AIMs/AEMs are different from Alternate Formats. Alternate Formats are created for students who would not understand the information as it is presented in the general curriculum. Alternate format materials change the expectations of the student and are considered modifications, usually lowering the instructional level or amount of information a student will learn.

IDEA states that State Educational Agencies (Georgia Department of Education) or Local Educational Agencies (local school districts) must provide accessible instructional materials to blind persons or other persons with print disabilities in a timely manner. (Part B, Sec. 612(a)(23)(B) and Sec. 613(a)(6)(B)).

Section 504 of The Rehabilitation Act of 1973 says that agencies that receive federal funding must provide "auxiliary aids to qualified students who have disabilities", and the Office of Civil Rights, United States Department of Education, has determined that Section 504 at 34 C.F.R. 35.160 (Communication)...in this context to mean the transfer of information, including (but not limited to) the verbal presentation of a lecturer, the printed text of a book, and the resources of the Internet.

The Chaffee Amendment is a 1996 Amendment to the copyright law (17 U.S.C. 121 [1]). This law enables nonprofit organizations or governmental agencies (including schools) to provide alternative accessible copies of previously published nondramatic literary works in specialized formats exclusively for use by blind or other persons with disabilities. Amended again in 2004 by IDEA to include large print textbooks. The school must own the book in order to have a specialized format of the book.

Who is eligible for Accessible Instructional Materials?

Individuals who experience:

- Blindness or visual impairment
- Physical disability
- Braille
- Large Print

- Audio (from Learning Ally – formerly R, F, B, & D)
- Electronic Text formats – PDF and DAISY

GADCA will provide print instructional materials in an accessible format to students who are blind or other print disabled. These materials must be provided in a timely manner, usually about the same time as the traditional materials are received by other students, unless unusual circumstances exist.

Accessible formats include braille, audio, or digital text, but do not include the altering of the content. It is the special education teacher's responsibility to notify the Academic Administrator of Special Programs or designee of any special instructional materials needed by students on their caseload as soon as possible to allow sufficient time for such materials to be delivered to the student.

A request for accessible Stride/K12 materials or support in obtaining accessible materials can be made using the following survey link: [Click Here to Request Assistance with Accessible Text](#)

Additional information on accessible instructional materials can be found at the Georgia Instructional Materials Center website, <http://gimc.org/>.

Additional information on assistive technology is located on the Georgia Project for Assistive Technology website: <http://www.gpat.org/>.

Extended School Year Services (ESY)

GADCA must ensure that extended school year services (ESY) beyond the normal school year of are available as necessary to provide FAPE. GADCA shall provide ESY services as required by the child's IEP, and all necessary transportation, at no cost to the parent. ESY services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. GADCA shall not limit ESY services to a particular disability category or unilaterally limit the type, amount, or duration of those services. When determining if ESY services are needed as part of the child's FAPE, the team shall consider the individual needs of the child.

Nonacademic and Extracurricular Activities

FAPE can also include nonacademic and extracurricular services. GADCA must consider supplementary aids and services necessary to provide students with disabilities the equal opportunity to participate in nonacademic and extracurricular activities. This may include, but is not limited to, participation in clubs, referral to agencies that provide services, special interest groups, employment assistance, counseling, health services, or athletics. An IEP does not negate eligibility requirements such as having to try out for the team or having an "A" average to be in French Club.

Charter Schools

Children who attend public charter schools (such as GADCA) and their parents retain all the rights given to them in the public school under the IDEA. In general, two types of charter schools are present in the state: public schools or public school districts that operate according to the terms of a charter or contract that has been approved by a local board of education and the State Board of Education; and state chartered special schools that operate according to the terms of a charter or contract that has been approved by the State Board of Education. Charter schools must make available the services needed to provide education for students with IEPs. GADCA is a state approved charter school.

GADCA is responsible for finding a way to provide whatever services the IEP team determines are appropriate for a student with an IEP who chooses to enroll. Students with IEPs may not be discriminated against, and a GADCA must accept students who choose to enroll.

The GaDOE has an extensive web page for charter schools at <http://www.gadoe.org/External-Affairs-and-Policy/CharterSchools>.

Included on this site is the Special Education Primer for Petitioners, Authorizers, and Districts document that provides guidance for implementing special education in charter schools. Both parents and educators will find this document helpful.

Medication

GADCA may not require medication as a condition of attending school, receiving an evaluation, or receiving services. Parents make the decisions regarding their children and any medication they administer or do not administer. GADCA will not make medical decisions that require medication. Nothing prohibits GADCA, however, from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of the student's behavior and academic performance when taking or not taking medication. If GADCA believes a student is not receiving medication that is essential for his or her health or education, it may refer the family to the Department of Family and Children's Services for assistance.

Child Find

In Georgia, the Child Find Process for infants and toddlers with disabilities, birth to age 3, is coordinated through the Georgia Department of Public Health Early Intervention Program, Babies Can't Wait. For children ages 3 through 21, the local education agencies (LEAs) in Georgia are responsible for identifying, locating, and evaluating all children within the jurisdiction of GADCA who are suspected of having disabilities that may result in a need for special education and related services. LEAs must have policies and procedures in place to ensure the identification, location, and evaluation of these children. Public notification must be given before any significant Child Find activities are implemented.

GADCA has Child Find responsibility for all children within their jurisdiction suspected of having disabilities, regardless of the severity of their disabilities. This includes:

- preschool children, ages 3 through 5, who may not be enrolled in a Georgia-funded prekindergarten and kindergarten, including children who are parentally placed in private preschools or daycare centers outside GADCA;
- children who are enrolled in a public school within GADCA, including public charter schools;
- children who are parentally placed in private and home schools located within GADCA's jurisdiction (refer to the Private Schools Chapter of this manual for additional information on private school Child Find responsibilities);
- highly mobile children, including migrant, homeless, and children who are wards of the state; children served in community programs, such as rehabilitation centers, daycare centers, etc.;
- children who are incarcerated in facilities operated by the local sheriff's office or other municipalities;

- with regard to Georgia Department of Juvenile Justice and Georgia Department of Corrections, children incarcerated in state juvenile or correctional facilities; and
- any other children suspected of having disabilities, even when those children may be progressing from grade to grade.

Child Find is a critical part of the special education process for all children suspected of having disabilities. IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multitiered system of supports, including the use of scientific, research, or evidence-based interventions are required before referring a child for an initial evaluation for special education. Interventions before referring a child for an initial evaluation for special education can reduce the disproportionate representation of racial and ethnic groups in special education and related services. In addition, if a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement). Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions must not be a reason for determining that a child is not eligible for special education services.

Child Find Procedure

Child find questions are completed by the parent within the online enrollment portal. These questions are asked again during the enrollment approval and placement process. Reports are pulled a minimum of weekly by GADCA special programs administrators to identify child find conflicts.

Once the school year begins, all staff will be trained on child find responsibilities and procedures, then the assigned staff member will again conduct a probe to determine if the student has any academic needs.

Any student for whom a parent answers that they previously or are currently receiving special education services is immediately referred to the Academic Administrator of Special Programs or designee.

Any special education or evaluation records shared by the parent with the assigned homeroom teacher are forwarded to the Academic Administrator of Special Programs so that they can be reviewed to determine next steps.

Child Find policies and points of contact are posted to the school website and included in the Parent/Student Handbook.

Evaluations and Reevaluations

Evaluations in the world of education range from a quick "screener" administered to a group of students by one person, to an in-depth, comprehensive evaluation performed on an individual student by a multidisciplinary evaluation team. An individual multidisciplinary evaluation is used to determine whether or not a student has a disability and, if so, whether special education services are necessary. Individual

multidisciplinary evaluations have major educational as well as legal significance. As such, trained evaluation specialists and sophisticated materials are required to administer them.

Initial Evaluations

The initial evaluation must be completed, and the evaluation report must be sent to the parent or guardian within 60 calendar days from the date signed parental consent is received by GADCA. There are a few possible exceptions to the 60-day requirement. School-based special education teams must confirm with their Georgia-specific special education evaluation guidelines, whether the following factors or 60-day timeline exceptions apply (for those that apply, include in manual):

- The 60-calendar day count stops upon the last calendar day of the current school year and resumes upon the first calendar day of the following school year. (In other words, if consent is received for the initial evaluation and there are only 30 calendar days left in the 17-18 school year, the 31st day in the timeline will be on the first day of the 18-19 school year.)
- Schools are not held accountable for an evaluation that was delayed, if the delay was the result of the student not being available and/or the parent/guardian not producing the student for the evaluation
- If during the initial evaluation procedures in progress, and prior to the determination of disability, the student withdraws from GADCA to enroll in another public-school entity
- If GADCA is evaluating to determine whether the student presents with a specific learning disability (SLD) – only considered justifiable with written verification that the parent/guardian and the team agreed with an extension for this reason

The initial evaluation process is initiated by a request or referral. A parent/guardian may request an initial evaluation for their child should they have reason to suspect their child presents with an educational disability that limits their ability to show progress in learning. A member of the GADCA school-based team may also refer a child for an evaluation should data show the child is not making adequate progress despite efforts to address the issue(s); such as through the GADCA multi-tiered system of supports (MTSS).

The intent of requesting or referring a child for an initial evaluation is to gather and review comprehensive data to show whether a child has an educational disability and whether they require certain specialized supports or services in order made educational progress.

When a student's academic concerns have been addressed through the GADCA MTSS process, and the student's response to those efforts is reviewed, a Special Education representative will attend the meeting, review the outcome data from the interventions that have been implemented to the student, and participate in the determination of inadequate progress and whether to proceed with a referral for a formal initial evaluation.

The following steps outline GADCA's initial evaluation process:

- Within one school day of the student support team (SST)/MTSS team's determination to refer the student for an initial evaluation, the Homeroom Teacher, or SST/MTSS team's designee, will submit the evaluation referral to the AASP (Academic Administrator of Special Programs).

- The AASP or designee will collaborate with the Related Services Coordinator who will manage, and track procedures requested for each evaluation referral (See GADCA's Related Services Manual for additional details and information).
- GADCA Related Services Coordinator will communicate the GADCA timeline, the details of the referral, and any relevant procedures to the contracted evaluators. Only fully authorized evaluators (having all current clearances and professional credentials) AND practice under an active contract with GADCA may be assigned to conduct evaluation procedures for a GADCA student.
- The assigned contracted evaluators are responsible for coordinating with families to administer all required assessments with the referred student or with the parent/guardian (i.e., parent questionnaires or rating scales).
- The contracted evaluator will complete the relevant portions of the Comprehensive Eligibility forms as specified and directed within the GADCA Related Service Manual.
- The evaluating psychologist or speech language pathologist (if either apply) must submit their completed evaluation report to the GADCA Related Services Coordinator prior to the 60-day deadline (50 days suggested) to allow for internal review, final report edits, and to give clearance for the final draft to be reviewed with the parent/guardian
- The Related Service Coordinator will monitor the contracted evaluators and confirm that the timeline has been met and evaluation results have been reviewed with the parents.
- The Special Education teacher/Case Manager will schedule the eligibility/IEP team meeting once the final evaluation report draft has been received and reviewed by the parent.

Ethical guidelines regarding school-based evaluations advise that comprehensive evaluations should not occur more frequently than one time per year unless the parent/guardian and the school agree that one is necessary. If that situation applies, there are specific parameters and cautions given for administering formal assessments with students in close succession (less than one year).

Parent Rights

If an evaluation is to be conducted, as well as whenever the parent requests an evaluation, GADCA must give the parent a copy of "Your Rights as Parents - Special Education," and provide an explanation to ensure that the parent understands these rights. If a parent's primary language is not English, a translated copy in his or her language must be given to the parent whenever feasible. Translations may be accessed online at the Parents' Rights link on the Special Education web page of the GaDOE website.

Parent Consent

GADCA is required to obtain informed written consent for each action requested, as outlined below. Parental consent is voluntary and may be revoked at any time. Consent is required for each of the following actions:

- to conduct an initial evaluation (consent for initial evaluation shall not be construed as consent for initial provision of special education and related services);
- to conduct a reevaluation;
- for the initial provision of special education and related services (consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE. Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement); and

- before disclosure of personally identifiable information that is subject to confidentiality.

Consent for Evaluation:

Before an evaluation can begin, GADCA must obtain signed, informed parental consent for evaluation. GADCA proposes to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall, after providing notice, obtain an informed consent from the parents of such child before the evaluation is conducted. GADCA must make reasonable efforts to obtain informed consent from the parents. To meet the reasonable efforts requirement, GADCA must document its attempts to obtain parental consent using procedures that may include detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.

If the parent of a child refuses consent for the evaluation or the parents fail to respond to a request to provide consent, GADCA may, but is not required to, pursue the initial evaluation of the child by utilizing the mediation and impartial due process hearing procedures provided for in the procedural safeguards. However, if a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation, or such parent fails to respond to a request to provide consent, GADCA may not use the consent override procedures, and GADCA is not required to consider the child as eligible for services.

If the parent does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, GADCA may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings. GADCA does not violate its obligations under Child Find if it declines to pursue the evaluation.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, GADCA is not required to obtain informed consent from the parent for initial evaluation to determine whether the child is a child with a disability if:

- Despite reasonable efforts to do so, GADCA cannot discover the whereabouts of the parent of the child;
- The rights of the parents of the child have been terminated in accordance with State law; or
- The rights of the parents to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Parental consent is not required before:

- Reviewing existing data as part of an initial evaluation;
- Administering a test or other evaluation administered to all children unless, before administration, consent is required of parents of all children.
- The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation. This shall not be considered an evaluation for eligibility for special education and related services.

Consent for Reevaluation:

GADCA must obtain informed parental consent prior to conducting a reevaluation of a child with a disability. If the parent refuses to consent to the re-evaluation, GADCA may, but is not required to, pursue the reevaluation by using the consent override procedures by accessing the mediation or due process hearing procedures. GADCA need not obtain informed parental consent if it can demonstrate that:

- It made reasonable efforts to obtain such consent; and
 - The child's parents failed to respond.
- GADCA does not violate its obligation if it declines to pursue the re-evaluation.

Parental consent is not required before reviewing existing data as a part of a re-evaluation or administering a test or other evaluation administered to all children (unless consent is required of parents of all children).

Consent for Provision of Services:

GADCA responsible for making FAPE available to a child with a disability must obtain informed consent from the child's parent before the initial provision of special education and related services to the child. Consent for the initial evaluation does not provide consent for initial provision of special education and related services. If a child's parents fail to respond or refuse to consent to services, GADCA may not use the procedural safeguards of mediation or a due process hearing to obtain agreement that service may be provided. If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, GADCA will not be considered in violation of the requirement to make FAPE available to the child for which GADCA sought consent. GADCA is not required to convene an IEP Team meeting or develop an IEP for the child for whom GADCA requests consent.

If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the reevaluation, or the parent fails to respond to a request to provide consent, GADCA may not use the consent override procedures. GADCA must document its attempts to obtain parental consent. GADCA is not required to consider the child as eligible for services.

A parent may revoke consent for the receipt of special education and related services once the child is initially provided special education and related services. Revocation of consent to provide special education and related services is for all special education and related services; not individual services. The intent to withdraw the child from special education and related services must be made in writing by the parent to GADCA. GADCA may not continue to provide special education and related services to the child, but must, prior to removing the child from special education and related services, provide the parent prior written notice. GADCA may not use the procedures of mediation or due process hearings to override the withdrawal of consent. GADCA will not be in violation of the responsibility to provide a free and appropriate public education (FAPE) to a child with a disability because of the failure to provide further special education and related services. GADCA is not required to convene an IEP meeting for a child whose consent to receive special education and related services has been revoked. Subsequent referrals for special education and related services shall be considered an initial evaluation and subject to the 60-day evaluation time period. GADCA is not required to amend the records of the child to remove any references to the provision of special education and related services prior to the receipt of the revocation of consent.

Consent for initial placement should be present in the student's special education file, even if the student was found eligible and began services prior to enrollment at GADCA. If consent for initial placement is not received from previous school, it should be completed during the first IEP meeting held at GADCA.

If during the reevaluation/redetermination process, a parent refuses consent for evaluation, the Case Manager will contact the Academic Administrator of Special Programs or designee for further guidance.

If, after two weeks, the parent fails to respond to multiple varied attempts to contact him/her to obtain consent for initial evaluation, the Case Manager will contact AASP (Academic Administrator of Special Programs) to refer the student back to SST.

Multidisciplinary Evaluation Team

When a referral for special education evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. This team may consist of a school psychologist, educational diagnostician, speech-language pathologist, occupational therapist and/or physical therapist, and others as appropriate to the evaluation. The child's parents are considered members of this team. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant.

It is recommended that the student be given a hearing and vision screening during the SST or other pre-referral process and that such results be no older than one calendar year. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

Impact on Educational Performance

Prior to special education eligibility, a number of interventions must have been provided to the child who is at risk for school failure. Frequently, but not always, these students are those whose performance on statewide assessments is in the lowest performance level. The interventions provided through general education are in addition to the traditional instruction that all students receive and may vary in duration and intensity of support. In addition to the actual interventions, data must be analyzed to determine the amount of progress the child is making with the evidence-based interventions. This data is collected through progress monitoring such as curriculum-based measurements. The objective is to determine whether the child receiving interventions is making progress toward the established benchmark of performance. Benchmark performance is determined by mastery of the standards and elements identified for a specific grade level. Once sufficient data is collected (for SLD, there must be a minimum of 4 data points collected from the progress monitoring over a minimum of 12 weeks of interventions), the team will analyze the information to determine what support is required for the child to succeed in the general education curriculum. For some children, core instruction in the curriculum combined with other interventions provided by the general education staff will be ample support for the child to make progress toward meeting the standards. Some children, despite the interventions, will continue to fall behind their peers. For these select children, the progress monitoring data must be reviewed to determine the level of progress being made. A child whose rate of learning is comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance. General education interventions will continue to be made available, possibly increasing in their intensity or duration. On the contrary, a child whose rate of learning is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. For these children, special education support may be necessary.

Comprehensive Evaluation

An initial evaluation needs to look at the needs of the whole child, regardless of the reason for the referral. The evaluation team must ask and answer the following questions:

What do I know?

What do I need to know?

What else do I need to find out to get a true “real world” picture of the student?

Who needs to do additional assessments?

In a comprehensive evaluation, GADCA will

- assess all areas related to any suspected disability, including vision and hearing, and, if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent;
- not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational
- program for the child;
- use assessment techniques that may assess intellectual and behavioral skills in addition to physical or developmental skills;
- use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
- use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and
- select assessment methods so that, when administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child’s aptitude or achievement level.

Information Sources - Evaluations often use many of the following:

- Individually administered tests and tools
 - Academic achievement
 - Cognitive ability
 - Social/Emotional/Behavioral o Speech/Language
- Parent/Teacher/Child Questionnaires
 - Social/Emotional/Behavioral
 - Adaptive behavior
- Parent information and input
- Teacher input (verbal or written descriptions/analyzed classroom work samples)
- Schoolwide standardized testing results
- Medical information, as appropriate
- Classroom observations
- Prior testing done in private settings

- Prior testing done in other school settings, such as formative assessments from classroom progress monitoring

Steps in the Evaluation Process

1. A request for an evaluation is made by either the school or the parent. A parental consent for evaluation is received from the parent. The 60 calendar day timeline is begun upon receipt of the signed consent.
2. If the child has not had a vision and hearing evaluation, those screenings will be conducted by the school. If the child does not pass, the parent will be informed, and the district and the parent will work together to clear up the hearing and vision issue. Some vision and hearing issues require medical evaluations and/or interventions. Once clearance is received, the evaluation process continues.
3. The interventions that occur during the SST process are analyzed. If no interventions have been provided or documented prior to the referral, interventions are immediately implemented and progress data noted. It is not necessary to wait for vision/hearing screening results.
4. The other data available about a student, which include the permanent record, current classroom assessment and progress, previous results of statewide assessments, attendance data, and disciplinary history, are all reviewed.
5. Classroom observations are usually conducted to determine current performance and to look for specific causes or reasons why the student is not learning or behaving at the expected levels. The observations are usually conducted by a diagnostician or other professional with expertise who does not interact with the student on a daily basis.
6. The current and previous teachers of the student are interviewed. The focus of the interviews is to determine whether the problems cited as the reason for the evaluation are new issues or recurring issues. In addition, the interviews will provide information on any interventions or strategies that have been previously tried.
7. The parent is interviewed as part of the evaluation process. If the parents have any independent evaluations or medical information they have not provided to the district, they should provide this information now. Information the parents have about learning at home, such as how long it takes the student to complete his or her homework and how much help the student requires, all assist in the evaluation. Often the behavior of the student at home is also discussed to determine whether the parent sees the same behaviors as the school sees, what kind of interventions work at home, and how frequently certain behaviors occur. In addition, many times the district needs to screen for adaptive behavior, so it may ask questions about household chores or tasks, about money management, and about other things that do not always feel educational to the parent. This information contributes to the whole picture of the child.
8. All previous information and data on the student is reviewed (e.g., previous evaluations, medical reports, psychological evaluations, and independent evaluations). This helps the team determine which evaluations to administer for the current evaluation.
9. Many evaluations include the administration of surveys or questionnaires. These are usually published forms of questionnaires or surveys that gather information about the typical day to day behavior of the student. The questionnaires or surveys are often completed by multiple people who know the student in order to provide a comprehensive view that encompasses school, home, and the community.

10. As all this information is received, the multidisciplinary evaluation team begins to review the information and determine what individual assessments are needed to provide more in-depth information. The needed assessments are then conducted and may include a variety of instruments that look at learning, listening, speaking, behavior, sensory, motor, or academics.

11. As these assessments are administered, other areas of concern may arise that need to be evaluated and additional assessments will be conducted as necessary. For example, fine motor skills may not have been a concern when the evaluation was requested; but information from the assessments and observations may indicate a concern that warrants an evaluation of the fine motor skills as a component of the comprehensive evaluation.

12. All instruments are scored, and the results are analyzed and interpreted by the professionals who administered the instruments.

13. The summary of the information learned from the evaluation is developed.

14. The person coordinating the evaluation discusses the results of the evaluation with the parent and educators, with or without an accompanying written report at this time. Occasionally, this discussion occurs at the same time as the eligibility meeting.

15. An eligibility meeting is conducted. The eligibility meeting determines whether a disability exists and what the impact is on the education of the student. If there is a significant impact, the team may determine that the student is a student who needs special education and related services. An eligibility report is created regardless of whether the student is determined eligible or ineligible. The eligibility report may serve as the evaluation report if it is detailed enough to report the results thoroughly.

Eligibility

[Link to Georgia eligibility requirements](#)

Once the evaluation is completed, the eligibility team, including the parent, will decide whether the student is eligible for special education services. This involves meeting eligibility requirements as well as not having exclusionary criteria that would prevent eligibility. The parent is included on the team and is provided a copy of the evaluation report as well as a copy of the eligibility decision. If there is no report from an evaluation specialist, such as the district's psychologist or speech-language pathologist, then the eligibility report can serve as the evaluation report as long as it is comprehensive enough to document the results of the evaluation.

Many times a parent will request a copy of the evaluation report prior to the eligibility meeting in order to read and understand the results of the evaluation. The law does not require that the parent be provided with a copy prior to the eligibility decision. On occasion, it is appropriate to provide it prior to a meeting. Other times, the report is not provided until a time at which the evaluation specialist can meet with the parent to explain the results of the evaluation. Many of the assessments that are administered as part of the evaluation have results that are reported in numbers that have little meaning to a parent or others until an explanation is also provided. If the results are confusing or upsetting to the parent, it may be necessary to conduct a meeting to discuss the results of the evaluation and then convene a later meeting for the eligibility decision.

In order to be eligible to receive special education services, the student must meet the requirements of one or more of the following categories:

- (a) [Autism spectrum disorder.](#)

- (b) [Deafblind.](#)
- (c) [Deaf/hard of hearing.](#)
- (d) [Emotional and behavioral disorder.](#)
- (e) [Intellectual disability \(mild, moderate, severe, profound\).](#)
- (f) [Orthopedic impairment.](#)
- (g) [Other health impairment.](#)
- (h) [Significant developmental delay.](#)
- (i) [Specific learning disability.](#)
- (j) [Speech-language impairment.](#)
- (k) [Traumatic brain injury.](#)
- (l) [Visual impairment](#)

If a determination is made that a child has a disability, and the disability adversely affects educational performance (academic, functional and/or developmental) and therefore needs special education and related services, an Individualized Education Program (IEP) must be developed for the child. An eligibility report which documents the area of disability shall be completed and placed in each child's special education folder. The eligibility report shall provide statements for each component and be comprehensive enough to serve as the evaluation report when needed. For those children determined not eligible for special education and related services, the eligibility report shall clearly explain the Eligibility Team's determination. The parent of the child shall receive a copy of the eligibility report at no cost.

Additional Procedures for Identifying Students with Specific Learning Disabilities

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Specific-Learning-Disability.aspx>

Reevaluations

The purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine, among other things, whether the child continues to have a disability and the educational needs of the child. Reevaluations are considered just as important as the initial evaluation for special education. Throughout the child's educational career, their educational needs may change constantly, and the reevaluation assesses the child's evolving needs.

A reevaluation may not occur more than once a year, unless the parent and GADCA agree otherwise; and must occur at least once every 3 years, unless the parent and GADCA agree that a reevaluation is unnecessary. A reevaluation should occur:

- If GADCA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrants a reevaluation; or
- If the child's parent or teacher requests a reevaluation.

GADCA shall obtain informed parental consent prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if GADCA can demonstrate that it has taken reasonable measures to obtain such consent and the child's parents failed to respond.

GADCA must comprehensively reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed:

- When the child graduates from high school with a regular education diploma, or
- When the child has exceeded the age of eligibility (22nd birthday) for a FAPE.

GADCA must, however, provide the child with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the child is graduating with a regular diploma or aging out of school. Best practice would also include providing the summary of performance for the child who receives a special education diploma or other exit document. It is up to GADCA's policy as to whether services cease exactly on the child's 22nd birthday or continue until the end of the semester or school year in which the child turns 22 years of age.

Additional Requirements for Evaluations & Reevaluations

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and LEA agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identify additional data needed, if any, to determine the following:

- the present levels of academic achievement and related developmental needs of the child;

- whether the child continues to have a disability or additional areas of need due to a disability;
- whether the child continues to need special education and related service
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then GADCA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.

In some cases, GADCA and the parent/guardian may agree that a review of records for a re-evaluation is not necessary. In that case, only a re-evaluation waiver (or its equivalent form) is required to convey:

1. there is team agreement that a re-evaluation will not be conducted,
2. the specific reasons for which the team came to that determination,
3. that, with the waiver of a re-evaluation, the student's eligibility and educational program will remain unchanged.
4. that, by demonstration of their signature, the parent/guardian was informed of their rights to a re-evaluation for their child and agrees to waive the current re-evaluation

A Parent/Guardian's signature is required for any documentation involving re-evaluation or a reevaluation waiver. The date of the signed reevaluation waiver should represent the new date for tracking eligibility/reevaluation compliance.

General points regarding special education re-evaluations:

- A reevaluation may be conducted prior to the 3-year timeline, any time the team finds the needs of the child should be reevaluated to confirm or revise the parameters of appropriate educational programming within the IEP.
- A reevaluation should not occur more than once a year, unless there is a dispute over the validity of the evaluation/reevaluation that was done just prior. (For additional details related to this, consult with the Procedural Safeguards and Due Process sections of this manual)

The following procedures outline the general re-evaluation process at GADCA:

- GADCA must provide prior written notice to the parent/guardian to conduct a review of records for the reevaluation process
- Signed, informed consent must be requested and received before conducting any reevaluation/data collection procedures with a student.
- For any proposed assessment procedures, the parent/guardian consents to, a 60-calendar day timeline is applied for the completion of all procedures and the associated re-evaluation report to be provided to the parent (OR eligibility determination meeting held, if applicable)

NOTE: The reevaluation review/eligibility compliance date is essential for schools to prioritize. Timelines attached to signed consent forms DO NOT absolve GADCA from its responsibility to reevaluate by the reevaluation due date. As a best practice, reevaluation procedures should begin no less than 90 calendar days before the due date to ensure adequate time to conduct additional assessments/data collection procedures, as needed.

Independent Individual Educational Evaluation

If a parent disagrees with the results of a completed evaluation completed by GADCA, the parent may request that GADCA pay for an outside independent educational evaluation (IEE). If a parent requests an independent educational evaluation, GADCA may ask for the parent's reason he or she objects to the public evaluation. However, the explanation by the parent may not be required and GADCA may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend GADCA evaluation. Except for the criteria described in this Rule, an LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

GADCA must agree to pay for the IEE or begin the due process hearing procedures to show that GADCA's evaluation is adequate. If there is a due process hearing and GADCA's evaluation is judged to be sufficient,

then GADCA will not have to pay for an IEE. If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense. A parent is entitled to only one IEE at public expense each time GADCA evaluates, which the parent disagrees with. GADCA must provide to the parents, upon request, information about where an independent educational evaluation may be obtained and GADCA's criteria applicable for independent educational evaluations. The list of criteria of the independent evaluator must be the same as those required of GADCA's evaluators. GADCA may set a reasonable limit on the cost of the IEE. However, GADCA must also allow parents the opportunity to prove extraordinary circumstances warranting an IEE at public expense that does not meet GADCA's criteria.

A parent does not have the right to an IEE at public expense until he or she has allowed GADCA to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the

LEA's evaluation. If the evaluation was conducted by someone who meets the qualifications for LEA evaluations, GADCA must consider the results of the parentally obtained evaluation.

If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

- Shall be considered by GADCA, if it meets state and LEA criteria, in any decision made with respect to the provision of a FAPE to the child; and
- May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child.

The GADCA Academic Administrator of Special Programs will collaborate with the Related Services Coordinator to facilitate the preliminary arrangement of the IEE (associated quote for the IEE, explanation of the IEE, required payment documentation for GADCA accounting, and contact information for all parties).

[Exit From Special Education/Parent Revocation](#)

If a child is considered potentially no longer eligible for special education services, the school system must first comprehensively evaluate the child. This does not apply to a child whose eligibility is ending due to graduation from high school with a regular education diploma or for a child who has exceeded the age of eligibility (22nd birthday) for a free and appropriate public education (FAPE).

Amendments to the Individuals with Disabilities Education Act (IDEA) effective December 31, 2008, give parents or students over the age of 18 the right to remove their child/themselves from special education and related services, even when the school system disagrees and believes that the student still requires special education and related services.

The revoking of consent is the revocation of all special education and related services and is not partial revocation. When a parent/student revokes consent, they remove consent to provide special education and related services to the child. The parent/student who disagrees with one recommended service for the IEP should not revoke consent but should request an IEP meeting to negotiate the provision of a free and appropriate public education. Parents who continue to disagree with IEP services may also use dispute resolution to work out the issues.

When parents/adult students inform GADCA that they want to withdraw their child/self from special education, the following procedures and issues will be addressed:

1. The parents/adult students must state the intent to withdraw from special education and related services in writing. The school system should assist the parent/adult student to put the intent in writing if the assistance is needed. The Georgia Department of Education (GaDOE) has created a sample form that may be used. The form is not required, but it is required that the parent/adult student put their withdrawal of consent in writing.

2. Once the written notice of revocation is received, the GADCA will develop and provide to the parent and the adult student (when applicable) prior written notice that informs the parent:

- a. The action that will be taken, including, in this case, taking away the services of the IEP and rights and protections of the IDEA
- b. An explanation of why GADCA does not agree with the action
- c. A description of any other options that may be considered
- d. A description of each evaluation, test record, data, or report the system has as a basis for disagreeing with the action
- e. A description of any other relevant factors or considerations
- f. Who the parent can contact for more information
- g. Where to find a copy of the parent rights
- h. when the action will be implemented (date the student will be removed from special education and related services)

3. The purpose of the prior written notice is to give parents/adult students a clear understanding of what they are giving up, what other options may be available and from whom they may seek more information. Students may not be removed from special education until prior written notice has been provided to the parents. A student may be removed from special education and related services once the parent has received prior written notice.

4. If the parents/adult students and GADCA agree to convene an IEP meeting prior to removing the student, this may be set up, but GADCA may not delay removing a student from special education and related services due to the scheduling of an IEP meeting without parental agreement. If the parent/student does not want to participate in an IEP meeting, then the process for removing the student from special education and related services should move forward.

5. Consent to provide special education and related services is the consent for any and all services. It is a general consent only required the first time a student is determined to be eligible for special education and related services. The IEP is the annual negotiation of what special education and related services are required to provide the student with a free and appropriate public education.

6. GADCA may not use the dispute resolution procedures such as complaint, due process hearing or mediation to combat, disagree with or refute the revocation of consent.

7. If, after being removed from special education and related services, the parent or adult student requests consideration to be returned to special education services, the referral is treated and considered an initial referral. This will give GADCA up to 60 days to evaluate and consider eligibility for special education and related services. Although GADCA has 60 calendar days, it may be in the best interest of the student to expedite the evaluation and eligibility consideration.
8. A student who reaches the age of majority may not hold GADCA responsible for lack of the provision of FAPE if the parent previously revoked consent for placement. A student who has reached the age of majority may revoke consent for placement. In this instance, prior written notice should be provided to both the child and the parent.
9. If consent is revoked, GADCA is not deemed to have “knowledge of disability” in the matter of discipline; therefore, protections in regard to out of school suspension and manifestation do not apply. The rules and timelines applying to general education students will apply once consent is revoked.
10. GADCA is not required to amend the child’s educational record to remove any references to the child’s receipt of special education and related services because of the revocation of consent.
11. When a parent/student revokes consent for special education and related services, the student should be reported with the withdrawal code of 10 in the Final Student Record Submission. The date of Event Code 10 indicates the date at which the student no longer receives special education services.

Enrollment and Intake Procedures

Out-of-State Transfers: When a child transfers from another state with a current or expired IEP, the new LEA (in consultation with the parent) must provide services comparable to those in the out-of-state IEP until the new LEA can collect any necessary additional information necessary to complete the evaluation/eligibility determination and can develop, adopt, and implement a new IEP, if appropriate. After the receiving LEA reviews the out-of-state eligibility and data, GADCA may determine that the eligibility meets Georgia Rules for eligibility and accept the eligibility determination. If GADCA needs additional data prior to making an eligibility determination, FAPE must be provided to the child while this determination is being made. If GADCA chooses not to accept the eligibility determination, the team must refer the child for a comprehensive evaluation (subject to the 60 day timeline) to determine eligibility under Georgia Special Education Rules. If an evaluation is required, it is treated as an initial evaluation in Georgia.

Transfers within the State of Georgia: If the child is transferring from another LEA in the state of Georgia, GADCA may accept the IEP as written, or the IEP Team may amend it if necessary.

Provision of Comparable Services: If a child with a disability has an IEP or eligibility report developed in another state or LEA and transfers to a new LEA, the new LEA, in consultation with the parent, must provide the child with FAPE. This should include services comparable to those described in the child’s IEP from the previous LEA. Such services should be provided even if the child’s annual review IEP or triennial reevaluation is overdue. During this time, the new LEA may choose to adopt the child’s prior IEP in its entirety, including annual review date, if timely, or develop a new IEP using information from the IEP or eligibility report developed by the prior LEA and establish a new annual review date.

After taking reasonable steps to obtain the child's records from the previous LEA, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, if the new LEA is not able to obtain the IEP from the previous LEA or the parent, the new LEA is not required to provide special education and related services to the child. However, if the new LEA decides that an evaluation is necessary because it has reason to suspect that the child has a disability, nothing in the IDEA or Georgia Rules would prevent the new LEA from providing special education services to the child while the evaluation is pending, subject to an agreement between the parent and GADCA. See Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations, Question and Answer A-2, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (OSERS), September 2011.

If, without complete or appropriate documentation, including eligibility and timely triennial reevaluations, the new LEA decides to complete an evaluation, such evaluation is subject to the 60-day timeline.

The least restrictive placement for children with disabilities should be the general education classroom with appropriate accommodations and supports. If a child's IEP services cannot be provided in a general education classroom, placement in other environments is also appropriate if needed for the child to receive FAPE.

Students enrolling from another district in Georgia

Current IEP, Current Eligibility

- Review all documents received
- IEP Meeting shall be held within (Indicate timeline) days of the student's first day of school to review previous IEP and amend to reflect comparable services. * Note: If the IEP is due within 6 weeks of enrollment, hold an annual review

Current IEP, Expired Eligibility

- IEP Meeting must be held within (Insert timeline) days of the student's first day of school to review the previous IEP and amend to reflect comparable services.
- Obtain consent to evaluate
- Complete eligibility process
- Revise/Amend IEP, if necessary, with updated eligibility information

Expired IEP, Current Eligibility

- IEP Meeting must be held within (Insert timeline) of student's first day of school to develop current IEP

Expired IEP, Expired Eligibility OR No Documents

- Obtain consent to evaluate
- Place student in comparable accommodations and services based upon all available data (parent information, universal screener, Georgia test scores, prior school report card/progress report. etc)
- Complete eligibility process
- If eligible, develop and implement IEP

Student enters with other documentation indicating specialized services or disability

- Follow procedures for Out of Georgia students
- If appropriate, refer to 504 coordinator or Special Programs Manager/Designee

Students enrolling from out of Georgia

A review of eligibility records will be conducted by SE Manager or designee and a School Psychologist within (Indicate Timeline) of student enrollment approval

Data is sufficient to determine Georgia eligibility

IEP meeting will be held within (Timeline) of student's first day of school. Eligibility will be determined by IEP team, and IEP developed.

* All Georgia required paperwork will be completed to document an eligibility determination.

Parental consent for Placement will be requested.

Upon receipt of consent for placement, newly developed IEP will be implemented immediately.

Eligibility due date will remain the same as the out of Georgia eligibility.

Check Georgia guidelines

Data is not sufficient to determine Georgia eligibility

Within (Timeline) convene an IEP meeting, ensuring a School Psychologist is in attendance. Develop plan for comparable accommodations and services.

An explanation of the evaluation and eligibility determination processes will be documented and Parental Consent for Evaluation will be obtained.

Upon completion of evaluation and eligibility report, an Eligibility meeting will be held. The eligibility decision must be made within (Indicate Timeline) of the receipt of signed parental consent for evaluation.

If the student is determined to be eligible, an IEP will be developed.

Parental Consent for Placement will be requested

Upon receipt of Parental Consent for Placement, the newly developed IEP will be implemented immediately.

Individualized Education Plan (IEP)

The Individualized Education Program (IEP) serves as the framework for determining the meaning of the term a free appropriate public education (FAPE) in the least restrictive environment (LRE), a term frequently referenced in the Individuals with Disabilities Education Act (IDEA). Initial IEPs must be conducted within 30 days of eligibility determination. IEPs must be developed and reviewed annually and must be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the local educational agency (LEA) requests a review.

Notice of IEP Meeting

Parents are to be included as members of any decision-making team for their child. Parent participation includes decisions about eligibility, initial evaluation, reevaluation, development, review, and revision of the IEP, the provision of a FAPE, and educational placement. This requirement does not include informal or unscheduled meetings involving LEA personnel or meetings on issues such as teaching methods, lesson plans, or coordination of service provision, as long as those issues are not addressed in the child's IEP, nor does it include meetings involving the preparation of a proposal or response to a parent proposal that will be discussed at a later meeting.

GADCA will take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and scheduling the meeting at a mutually agreed upon time and place. The parent may request to reschedule the IEP Team meeting or to participate by telephone or videoconference if attending in person is not possible.

The invitation to the IEP Team meeting shall indicate the purpose, time, and location of the meeting, participants who will be in attendance, and informs the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel.

For a student with a disability, beginning not later than entry into ninth grade or by age 16 whichever comes first, or younger if determined appropriate by the IEP Team, the invitation must also indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student. GADCA will invite the student and identify any agency invited to send a representative.

If neither parent can attend an IEP Team meeting, GADCA must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents attending if GADCA cannot convince them they should attend. In this case, GADCA must keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits.

If possible, parent input will be gathered for initial meeting date and time. If, after 48 hours, no response or consensus is reached a date/time will be set by school staff **allowing for 10 days** notification through email.

If the parent does not attend the meeting the process will be repeated using the following notification methods.

1. Notice #1 –Email
2. Notice #2 –Email & phone/text
3. Notice #3 –Email, phone/text, & certified letter containing Notice of Meeting

All attempts to obtain parent participation will be documented and retained as part of the student's special education record.

If the parent does not attend after the 3rd meeting attempt, the IEP team may choose to develop the IEP without parent attendance and send a copy to the parent. Eligibility meetings may not be held without the parent. If the parent does not attend after three eligibility meeting attempts, school staff are to collaborate with the Academic Administrator of Special Programs for assistance in determining next steps.

If the parent responds and indicates that they wish to participate in the development of the IEP, but cannot meet, school staff must document the multiple good faith attempts to involve the parent before conducting the IEP without the parent. This should only be done if the delay to the IEP meeting causes timelines to not be met.

The parent may opt to waive the 10-day notification and hold the IEP meeting earlier. This is documented within the notes of the IEP and the parents sign the notice of meeting indicating that they have chosen to waive this right.

All Notifications of Meeting will be filed as part of the student's special education record.

Parent Request for IEP Meeting

The IEP may be reviewed more than once a year if the parent or GADCA requests a review. Parents may request an IEP meeting at any time.

Upon request for an IEP meeting from a parent or other team member, the assigned special education teacher will gather parent input for meeting time and date within 48 hours of the initial request, with every attempt for 10* days notification of the meeting time/date to the IEP team.

Notice of Meeting will be sent to parent via email and filed in students SE file.

If the request is not honored or the meeting is unnecessarily delayed the parent may contact the AASP for assistance.

Changes to the IEP

Changes or amendments to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by agreement between the parents and LEA. In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent(s) of a child with a disability and GADCA may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP, GADCA must ensure that the child's IEP Team is informed of those changes. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

The IEP Team

The IEP Team consists of various members, depending on the information to be discussed and decisions to be made. The required members of the IEP Team include:

- the parent or guardian (The parent/guardian should be involved in all discussions and decisions of the IEP.);
- at least one general education teacher. This teacher should help determine appropriate supplemental services, accommodations, and/or supports for district personnel that will work with the student;
- the special education teacher(s); and
- a representative of GADCA who can provide or supervise specially designed instruction and is knowledgeable about the general curriculum and the availability of district resources.
- Student, if discussing transitional services and/or if student is over 18 years of age

*If any of these team members are not in attendance, an excusal letter must be signed during the meeting by the parent or legal guardian giving permission for this particular team member to be excused. This excusal letter must be uploaded and attached to the documents section in GO IEP.

Other persons that may attend an IEP meeting include: (no excusal letter needed if these participants not in attendance unless they were listed as required members on the Notice of Meeting)

- an individual that can interpret and relate evaluation results;
- other individuals that have knowledge of the student or experts such as a Speech/Language Pathologist and related service personnel;
- students should participate if transition is being discussed and/or student is 18 years of age and;
- representative(s) from agencies that may provide or pay for the provision of transition services (with the consent of the parent or adult student).

Service providers, such as SLPs, OTs, and PTs, are optional members of the IEP team and should be considered as participants if the student receives these services, unless: their area of service is not to be reviewed (amendment meetings only) or the parent provided written permission for the service provider to be excused from the meeting. These providers must be invited and given at least 10 days notice to meeting. The Case Manager must ask for updated current level of functioning data, projected necessary services, as well as new proposed goals as needed Prior to or at the onset of the IEP meeting, the Case Manager provides the parent(s) a copy of the Parent Rights and Information (Procedural Rights) and offers an oral review of these rights. All team members should introduce themselves, state their title/role, and ensure all members are appropriately listed on the IEP Meeting Team Members page.

In developing each child's IEP, the IEP Team must consider:

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child;
- The results, as appropriate, of the child's Statewide or districtwide assessments; and
- The academic, developmental, and functional needs of the child.

Present Levels of Academics and Functional Performance

During annual review meetings, the Case Manager leads the team in a review of the student's performance relative to the goals and objectives from the previous IEP. Updated progress information should be discussed with the parent(s) during the annual review meeting.

The Case Manager leads the team in a review of the student's Present Levels of Academic Performance
During this review, team members should discuss:

- a. Evaluation and Assessment Results – This includes formal and informal measurements that were used to determine the student's eligibility to receive special education services; state- and district-wide test scores; reports and discussions of evaluation and assessment results including interpretation and indication of the results as related to typically performing students. This does not list only evaluation and assessment scores.
- b. Academic and Functional Strengths – This outlines the area(s) in which the student demonstrates adequate skills as determined by test results, data, and/or team members' observations. Student strengths may be noted in the areas of academics (i.e. reading, math, etc.), developmental skills (i.e. gross/fine motor, social-behavioral, etc.) and/or functional skills (i.e., self-help, communication, etc.).
- c. Academic and Functional Needs – This covers the area(s) in which the student exhibits delays that are interfering with mastery of and/or progress in the general curriculum. The identified functional needs are directly linked to the recommended goals and objectives.
- d. Parent(s) Concerns – This examines concerns and comments provided by the parent(s) and should contain parent(s)' positive statements and questions. The information can be obtained by asking the parent(s) about their concerns, but may also be discerned from other discussions (during or prior to the IEP meeting). A parent comment or concern must be noted.
- e. Impact of Disability Statement – This describes the characteristics of the student's disabilities, which interfere with the student's ability to make progress in the general curriculum, and indicates how the student's disability impacts classroom instruction. This does not just list the student's eligibility categories.

Special Factors

The team considers Special Factors. The team reviews and discusses:

- Interfering Behaviors and Behavior Intervention Plan (BIP) – This refers to determining whether the student exhibits behaviors that interfere with his/her learning and/or other students' learning. If the team determines that interfering behaviors exist, the team must decide if a BIP is required. If needed, the BIP should be developed or reviewed at the completion of the IEP meeting or during a separate meeting.
- Limited English Proficiency – This refers to a review of the student's needs as they relate to the ability to understand and communicate in English.
- Blindness/Visual Impairment – This refers to an assessment of whether the student has a visual impairment that require special support including Braille.
- Communication Needs – This refers to determining whether speech and/or language needs negatively impact the student's participation in educational programming.
- Deaf/Hard of Hearing – This refers to consideration of the student's deficits in hearing and the relation of those deficits to the student's communication.

- Assistive Technology – This refers to a discussion about the student’s need for services and devices specifically designed to support deficits in oral and/or written communication, as well as acquisition and/or demonstration of academic skills. The team completes the AT Consideration documents prior to the meeting and consults with the AT Coordinator if an assessment is recommended. The AT Consideration document only identifies the type(s) of service(s) or device(s) (i.e. voice output device) that are recommended, and should not contain the brand name of specific service(s) or device(s)
- Alternative Format Materials – This identifies the student’s need for varied formats for instructional materials.
- Medical Limitation/Concerns – Medications should be verified at every annual review (or amendment, if applicable) and an updated Individual Health Plan should be obtained if needed.

In the case of a child whose behavior impedes the child’s learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior in the IEP or behavioral intervention plan.

Assistive Technology

Assistive Technology (AT) Devices are items, pieces of equipment or products which are used to increase, maintain or improve the functional capabilities of students with disabilities. AT devices can be standard “off the shelf” items or modified or customized to meet the individual needs of the student. Many AT devices are “no tech” or “low tech” and require little accommodation and minimal expense. Some examples of “no or low tech” devices include magnifiers, raised line paper, pencil grips, an adapted cup with large handles, or colored reading filters. These easy to obtain items can help students with visual and physical difficulties be more independent in their schoolwork. There are also many other low-tech options that can help students who have other disabilities. AT devices can also be very high-tech. High-tech items can be things such as electronic communication aids, screen reading software, or mobility devices. Whatever the technology (no, low or high tech) The need for AT devices should be documented in a student’s Individual Education Program (IEP).

Assistive Technology (AT) Services are the services that need to be provided so that a child with a disability can use an AT Device. Services can include an evaluation to see if AT is needed, acquiring the device, adapting it to the individual needs of the student, coordinating the use of the device and providing necessary training to the student, family, and professionals.

Assistive technology (AT) is a component of the educational programs of students with disabilities.

Assistive Technology Devices are any items, equipment, products, or system, whether acquired commercially, teacher-made, modified, or customized, that are used to increase, maintain, or improve the functional capabilities of children with disabilities. For example, some students’ ability to learn, compete, work, and interact with others may improve with the use of the following:

- adapted toys,
- switches,
- computers,
- amplification systems,

- wheelchairs,
- memory aids,
- magnifiers,
- augmentative communication devices, and
- other adapted devices.

Assistive Technology Services are services needed to support effective use of AT devices. AT services may include:

- training or technical assistance for the child and/or the child's family, and
- training or technical assistance for professionals, employers, or other individuals who are substantially involved in the major life functions of an individual with a disability. Services also include selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices.

GADCA will provide assistive technology and or adapted materials as needed to provide each child FAPE.

Transition Plan

The team develops a Transition Plan (if applicable). The Transition Plan examines the student's abilities and post-secondary interests, and frames objectives and activities that will assist the student in meeting his/her postsecondary goals. (See the Transition Plans section for a comprehensive outline of procedures for developing a Transition Plan.)

The successful transition of children with disabilities from school to post-school environments should be a priority of every IEP Team. A Transition Service Plan is to help children build the skills and support they need to reach their post-school goals.

Transition requires support from multiple sources so the child and his or her family can make choices, develop connections, and access services. Beginning not later than the IEP to be in effect when the child begins ninth grade or turns 16 (or younger if determined appropriate by the IEP Team), and updated annually thereafter, the IEP must include:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
- The transition services (including courses of study) are needed to assist the child in reaching those goals. A course of study should focus on instructional and educational classes and experiences that will assist the child in preparing for transition from secondary education to postsecondary life. This should relate directly to the child's postsecondary outcome goals and should show how a planned course of study is linked to these goals. The course of study should be meaningful to the child's future and should motivate the child to reach successful post-school outcomes.

Goals should be measurable and related to what the child wants to achieve after graduation. Postsecondary outcomes should reflect "major life accomplishments" or "completion goals." Goals should be written in education/training, employment, and independent living (if appropriate). They should be clear and

understandable, positively stated, and based on academic achievement and functional performance. They must be based on age-appropriate assessments and be practical and relevant to transition needs. Postsecondary outcome/completion goals can change and become more refined as the child has more experience and gets closer to graduation.

Age-appropriate transition assessments should be conducted to provide an assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) and should be conducted in conjunction with the development of the transition components. The initial transition assessment may be prior to the eighth grade and may occur when a reevaluation consideration is conducted. As a best practice, transition assessments should also be ongoing and fluid. Assessment tools that clearly describe a child's strengths and weaknesses and document a child's interests and perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment.

Transition goals are based on age-appropriate transition assessment(s) and include transition activities and services appropriate to attain the desired postsecondary outcome/completion goals. This section should include measurable transition IEP goals that relate to the how, when, where, and what answers that are needed to complete each postsecondary outcome/completion goal. These goals should be relevant to achieving the desired postsecondary outcomes. Goals must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills, post-school options, related services, and daily living skills (as appropriate). At least one measurable transition IEP goal must be determined for education/training and development of employment. Measurable transition goals for independent living should be addressed when appropriate.

The "Transition Activities and Services" section should address the transition activities and services that are needed to attain these measurable goals. Transition activities and services should be planned as the "what is needed to achieve these goals." Many activities and services should be planned and implemented for each goal.

The individuals, agencies, and groups identified should include those who will help the child achieve the goals stated. They may be individuals who will likely provide or pay for transition services.

Documentation that these persons were invited to the Transition IEP Team meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. When a participating agency does not attend, the IEP Team should document actions to assist the child and his/her family to support contact and communication with the agency. If the child does not attend the IEP Team meeting, GADCA must take other steps, including verbal and written input, to ensure that the child's preferences and interests are considered before developing the transition goals of the IEP.

Summary of Performance

For a student whose eligibility terminates due to graduation with a regular diploma or to exceeding the age requirements under IDEA, GADCA must provide the student with a summary of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals. Although not required, it is good practice to provide the SOP (Summary of Performance) for students who graduate with a certificate of attendance or a special education diploma. The purpose of the SOP is to provide strategies for successful transition with needed supports. The SOP and directions for completing the SOP are available on the GaDOE Special Education web page.

Transfer of Rights

At least one year before the student turns 18, a statement that the student has been informed of his or her rights under IDEA and that the IDEA rights will transfer to the student upon reaching the age of 18 must be included in the IEP. The IEP must document at age 18 that the rights have been transferred. Once the rights have transferred to the student at age 18, GADCA must provide any IDEA required notices to them and the parent. All rights given to the parent transfer to the student.

(a) General. A state may provide that, when a child with a disability reaches the age of age 18, the student attains the age of majority in Georgia and will become his or her own educational decision maker.

GADCA may also inform parents of other options or about where to get more information about guardianships, powers of attorney, and any other options. For example, it may be that for some students, guardianship, or a more limited form of transfer of rights would be necessary.

Starting at age 18, the school will send all notices to the parent and student, but the student will give written consent for any action requested by the district. When the student turns 18, he or she becomes the educational decision maker; but, while the student is eligible under the IDEA, the parents retain the rights to all notices of meetings, notices of changes in program or placement, and notices of evaluations.

Goals and Objectives

The team develops or revises Goals and Objectives. Based upon the student's identified area(s) of need, the team determines what annual goals and/or short-term objectives will enable the student to make progress toward the appropriate grade level standards. Short-term objectives should be developed for students who are assessed on the Georgia Alternative Assessment (GAA). Objectives should be written in measurable terms including statements of condition, criteria for mastery, and preferably dates of mastery. Objectives should be attainable within the annual (one-year) IEP period. The team clarifies that written progress on goals and objectives will be provided at the end of each grading period (or as often as reports of student progress are provided for students participating in general education)

Reporting IEP Progress

Special educators should understand and follow appropriate procedures to ensure the delivery of special education programs that confer meaningful educational benefit, which include:

- Conducting relevant assessments of students, which provide information to teachers on a student's unique academic and functional needs and how best to address those needs. Such assessments include criterion referenced tests, curriculum-based measures (CBM), curriculum-based assessments, and direct observation data;
- Developing meaningful educational programs for students based on the assessment, which consists of special education and related services grounded in research-based practices;
- Generating measurable annual goals that will be used to monitor a student's academic and functional progress;
- Monitoring the student's progress by collecting data on his or her growth toward those goals, and make instructional changes when necessary;

- Individual IEP annual goals are developed that enable progress in the general curriculum and meet each of the child's other educational needs that result from the child's disability; and
 - Evidence-based intervention must be provided to address IEP annual goals and objectives as appropriate.

Progress Monitoring should be a fluid and consistent daily routine for all special education services. Data should drive the IEP goals and interventions and show positive growth. If positive growth towards goals is not achieved interventions and IEP goals should be revisited and the IEP amended as appropriate to meet the individual needs of each student.

Classroom Supports and Statewide Assessments

The committee makes recommendations for Classroom Supports and Statewide Assessments. All of the student's general education and special education teachers and service providers will implement the recommended supports and accommodations. Only accommodations that address the student's individual learning and behavior profile should be recommended. Accommodations should relate to:

- Instructional Accommodations - may include how instruction is provided, how the child is expected to respond instructionally, how the child participates in classroom activities, and the kinds of instructional materials used. Accommodations provide children with disabilities a variety of ways to access the Georgia Performance Standards so that their disabilities are not barriers to achievement. Children with accommodations are still expected to meet the same grade level standards as their peers without disabilities. For example, a student might listen to portions of a text on tape rather than reading it, answer questions orally or use a computer keyboard instead of writing with a pencil, use large print text books, watch video with captions, or participate in a discussion in a biology class with a sign language interpreter. Accommodations should provide access to or promote skill growth, and some accommodations may be used instructionally that will not necessarily be used for assessment. Appropriateness and efficacy of accommodations should be evaluated on an ongoing
- Classroom Testing - should be individualized, determined by subject area, and be as specific as possible. For example, if a student may require additional time to complete tests, it is recommended that the amount of time is specified such as, "50% more time." Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc. Testing accommodations should only be recommended if they are also the student's instructional accommodations, and some instructional accommodations may not be appropriate for testing.
- Supplemental Aids and Services - should include supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Examples include tutoring, adult assistance, note-taking, peer helper, pre-teaching/re-teaching or reinforcing concepts, behavior intervention plan, point sheet, assigned seating, etc. Some accommodations used for instruction may also be considered a supplemental aid and service.
- Supports for Personnel - should be included when training or other supports are being provided to district staff regarding a specific student's need. Examples may include training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc.
- District- and State-wide Assessments - the team's recommendations for the student's participation in both district-determined and state-required assessments. Recommended accommodations for participation must match classroom testing accommodations (extended time must be indicated as

time and a half or double time). A rationale for participation in the Georgia Alternate Assessment (GAA) is required if the team determines that the student will not participate in regular assessments.

Please refer to the [Georgia Student Assessment Handbook](#) located on the [Assessment web](#) page of the GaDOE website.

Placements and Services

Special education is a service and not a place. After the IEP team has reviewed all required information and developed an IEP, it must make the decision as to where services need to be delivered in order to enable the student to receive a free appropriate public education in the least restrictive environment. Placement decisions should start with the expectation that services will be provided in the general education setting and should be made on a subject by subject basis. The placement decision should be fully supported by the present levels of academic achievement and functional performance and by the level of supports and accommodations/modifications the student requires to access the curriculum. The full continuum of placements and services includes:

- General education setting only - students with disabilities are served in the general education class with no personnel support;
- General education setting with consultative services - students with disabilities receive at least one segment per month of direct service from the special education teacher;
- General education setting with Supportive Instruction - students with disabilities receive service from personnel other than a certified teacher in the general education classroom
- General education setting with Co-Teaching - the special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (a full segment everyday);
- Special Education Setting - special education instruction is provided to students with disabilities in a separate classroom with a special education teacher;
- Alternative Placement - special education instruction is provided to students with disabilities in a special school, the home, (GCA is a virtual school where instruction is provided online at a location preferable to the Learning Coach), a hospital, or a residential institution; and
- Related Services - services that are related to the student's ability to benefit from the recommended specially designed instruction (i.e. occupational therapy, physical therapy, nursing).

Following a discussion of options, the team should make recommendations for placements and services. The IEP team should consider more than one option. A rationale for the team's recommendations should be included in the IEP. (Placement and service recommendations are a result of the IEP team's consensus. If the team is unable to reach a consensus, the meeting should be tabled while additional information or data is obtained.)

The Least Restrictive Environment for instruction in each content area should be indicated. The amounts of service time, setting, begin/end dates, and providers' titles for each recommended service should also be listed on the Services Page of the IEP.

Related Services

For detailed procedures, refer to GADCA's Related Services Guide.

The current federal regulations found at Title 34, Section 300.34, Code of Federal Regulations (CFR), define related services as services required to assist a child with a disability to benefit from special education. Students who are found eligible to receive services under the thirteen special education disability categories can be considered for related services. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and include

- audiological services;
- psychological services;
- speech-language pathology;
- physical therapy;
- occupational therapy;
- social work services;
- counseling services, including rehabilitation services;
- orientation and mobility services;
- interpreting services;
- school nurse services;
- medical services for diagnostic or evaluation purposes;
- recreation, including therapeutic recreation;
- early identification and assessment;
- parent training; and
- transportation.

To determine what special education services and/or related services will be provided to the child, the IEP team looks at the child's present levels of academic and functional performance, assessment results, measurable annual goals, and, if appropriate, the short term objectives or benchmarks that are included in the IEP. Any services should

- be based on the unique needs and abilities of the child and,
- help the child advance appropriately toward attaining his or her annual goals.

IDEA refers to related services and supplementary aids and services that are "based on peerreviewed research to the extent 'practicable.'" This means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs, which refers to those services and supports that are proven through research data to improve student learning. Related services may be documented in the IEP in several areas, including

- the recommended special education and related services section,
- the supplementary aids and services section, or
- the instructional accommodations or modifications section

Federal regulations indicate that if the IEP team determines that related services are needed, these services must be provided whether or not commonly linked to the disability category. The only exception to this general rule is the provision of orientation and mobility training, which is a related service specifically for students with visual impairments.

1. If a student is currently receiving special education services, refer to the following procedures for adding a related service.

a. Before adding a related service that has specific eligibility requirements as defined in State Board of Education rules (i.e., Speech), the reevaluation process must be followed, and it must be determined by the IEP team that the student meets the eligibility criteria. The IEP team must determine that the related service is required to assist the student to benefit from special education. The parent participation notice for the IEP meeting must indicate the reason for the meeting, such as to discuss an action being proposed or a change in FAPE. The student's IEP must be revised as appropriate, and a prior written notice of a change of FAPE must be provided to the parent.

b. Before adding other types of related services, the IEP team must meet to review current, documented information regarding the student's progress and need for the related service. The parent participation notice for the IEP meeting must indicate Special Education Rules Implementation Manual Georgia Department of Education Richard Woods, Georgia's School Superintendent Page 212 of 228 All Rights Reserved the reason for the meeting. The reevaluation process is not required unless additional data (e.g., formal testing) are necessary to make the determination. The student's IEP must be revised, as appropriate, and a prior written notice of a change in FAPE provided to the parent.

2. If a student is currently receiving special education services, refer to the following procedures for discontinuing a related service.

a. This decision must be made during an IEP meeting or in an amendment and must be based on current, documented information regarding the student's progress and need for the related service. Common criteria for discontinuation of a related service include i. successful achievement in the general curriculum without support of the related service, and ii. progression to a level commensurate with the student's ability.

b. At the conclusion of the IEP meeting, the parent must be provided with the "Prior Written Notice" document indicating a proposed change in services before services cease, and the IEP team must revise the student's IEP, as appropriate.

Transportation

If transportation is required for a student to receive services as outlined on their IEP, GADCA will work with the family to ensure that appropriate transportation is provided. Transportation arrangements will vary depending on the service location and transportation options in that area of Georgia. Arrangements may include bus tokens, taxi credits, contracts with local transportation providers, or reimbursement to the parent based on the federal mileage rate.

Reimbursement for mileage will be approved by the Academic Administrator of Special Programs or designee. Proper documentation must be submitted for reimbursement to be made.

Extended School Year Services (ESY)

GADCA must ensure that extended school year services (ESY) beyond the normal school year of are available as necessary to provide FAPE. GADCA shall provide ESY services as required by the child's IEP, and all necessary transportation, at no cost to the parent. ESY services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. GADCA shall not limit ESY services to a particular disability category or unilaterally limit the type, amount, or duration of those services. When determining if ESY services are needed as part of the child's FAPE, the team shall consider the individual needs of the child.

If the IEP Team determines that ESY shall be provided, it shall:

- Indicate which goals are being extended or modified to deliver FAPE; and,
- State the specific services needed, the amount of time for each service, the beginning and ending dates for the services and the service provider and location.

A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the child; and
- Supplementary aids and services, accommodations, program modifications, and support for school personnel.

In general, extended school year (ESY) refers to special education and/or related services provided beyond the normal school year of a public agency for the purpose of providing FAPE to a student with a disability. These services are distinct from enrichment programs, summer school programs, and compensatory services and are not simply an extension of time. ESY services are not so much a regression and recoupment issue as they are an issue of FAPE. Unrecouped regression, over time, may be evidence that FAPE is not being provided. In other words, it is not the case that a student is entitled to ESY services, but that the student will not receive FAPE if ESY services are not provided. These services, at no cost to the parent, will vary in type, intensity, location, inclusion of related services, and length of time, depending on the individual needs of the student.

ESY services are only necessary to FAPE when the benefits a disabled child gains during the regular school year will be significantly jeopardized if the child is not provided with an educational program during breaks in instruction. ESY services are intended to address critical life skills. ESY is not about gaining new skills or making progress above what is gained during the regular school year. ESY is NOT the same as compensatory.

The consideration of ESY services is a part of the individualized education program (IEP) process. The IEP, in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Georgia, must have a statement of the projected dates for initiation of services and the anticipated duration of the services. The IEP must address the provision of ESY services, if required, in order for the student to receive FAPE. Frequency and duration of services do not have to be at the same level as during the school year.

ESY is not a separate planning process since it is part of the IEP process. Thus, an IEP meeting must be held to consider if a student needs ESY services and must be conducted like any other IEP meeting with appropriate prior notice. If seen as separate, it may lead to the segmentation of services for the student and further lead to situations where these services are considered or open to discussion for some students, but not for all.

Therefore, a separate IEP should not be developed for ESY services; the current or an amended IEP should be used. Goals must be identified to be worked on during ESY. These will not be new goals rather goals carried over from current regular school year IEP.

What Extended School Year Services Are Not

Because ESY services are uniquely designed to provide FAPE to students with disabilities, it is necessary to emphasize that these services are:

- Not based on the category of student's disability - services must be based on the student's unique educational needs;
- Not mandated twelve-month services for all students with disabilities;
- Not a childcare service;
- Not necessarily a continuation of the total IEP provided to a student with a disability during the regular school year;
- Not required to be provided all day, every day, or each day;
- Not an automatic program provision from year to year;
- Not summer school per se, compensatory services, or enrichment programs;
- Not required to be provided in a traditional classroom setting; and
- Not a service to be provided to maximize each student's potential

Determining the Need for Extended School Year Services

The determination of need for ESY services must occur within the context of the IEP team meeting. The IEP team should consider the need for these services at least annually, but must consider the need at other times, if so requested. The request to consider ESY services may be initiated by the parent, the student, the student's teacher(s), related service providers, or administrators. It is important that the decision regarding whether ESY services are provided not be delayed. The IEP Team should make the decision early enough to ensure that parents can meaningfully exercise their due process rights if they wish to challenge an ESY decision. The IEP Team must remember that it is not acceptable to pre-limit ESY services to a set number of days or hours of service nor restrict the provision of ESY services for administrative convenience. Likewise, ESY services may not be limited by the financial resources of the school system. Students who will not receive FAPE without ESY services are entitled to these services. Therefore, it is not appropriate for a district to limit ESY services to predetermined disability categories, nor to categorically exclude certain students with disabilities.

If a teacher suspects that a child may be eligible for ESY services, all supporting documentation must be sent to the Academic Administrator of Special Programs for review prior to the ESY meeting being held.

Other Considerations

The Case Manager should thoroughly review the minutes of the meeting.

The Case Manager completes the Parent Participation page of the IEP. This page relates the staff's attempts to involve the parent(s) in the development of the IEP.

During IEP meetings in which placements and services are established for a new eligibility, the Case Manager should obtain the parent's consent for placement. The parent also has the right to reject consent for placement.

The Case Manager ensures that the parent(s) and other team members have no additional questions or concerns.

The IEP meeting is adjourned.

Using DocuSign, the parent(s) sign(s) the Parent Participation page and the Parental Consent for Placement (if applicable). The Case Manager provides the parent, general education teachers, and related service providers with a copy of the final IEP.

Least Restrictive Environment (LRE)

Least Restrictive Environment (LRE) is the educational placement in which a student with a disability can receive specialized instruction that is appropriate for his or her needs. The Individuals with Disabilities Education Act (IDEA) states each public agency must ensure that students with disabilities are educated to the maximum extent appropriate with students who are non-disabled. The student's placement is determined at least annually by the IEP team, a group of persons, including the parents, and the teachers who are knowledgeable about both the student and/or the meaning of the evaluation data.

The process for determining the LRE must be individualized for each student with a disability, including pre-schoolage students, and students in public schools, private schools or other care facilities. The team establishing the student's placement must consider what accommodations and modifications are required for the student, and determine what setting is required for the student to have access to their grade level, general education curriculum. The IEP must include an explanation of to what extent, if any, the student will NOT participate with students without disabilities in general education classes AND in extracurricular and other non-academic activities.

- Students with disabilities, including students in public or private institutions or other care facilities in Georgia, shall be educated with children who are not disabled. [34 C.F.R. § 300.114(a)(2)(i)]
- Special classes, separate schooling or other removal of students with disabilities from the regular class environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 C.F.R. § 300.114(a)(2)(ii)]

The school administrators, AASP, special education teachers and other stakeholders must:

- Maintain awareness of the needs of students with disabilities;
- Ensure that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment as agreed upon by IEP Team; and
- Assist in developing and implementing strategies to address issues /needs of students with disabilities at the local school, including school-wide plans of action.

In determining the educational placement of a student with a disability, the placement decision must:

- Be made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options;
- Be determined at least annually, based on the student's IEP [34 C.F.R. § 300.116(b)(1) – (3)] and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience. (Federal Register, August 14, 2006, p. 46588.)

- Consider any potential harmful effect on the student or on the quality of services that he or she needs; [34 C.F.R. § 300.116(d)] and
- Ensure that a student with a disability is not removed from age-appropriate regular classrooms solely because of modifications needed in the general education curriculum. [34 C.F.R. § 300.116(e)]

School-Age Placement and Services include the following at GADCA:

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:

- Additional support services -The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP.
- Direct service-The student remains in the regular classroom with direct services from special education personnel on a consultative, or co-teaching basis. Examples at GADCA:
 - Co-teaching

2. Instruction for individuals or small groups outside the general classroom.

3. Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. Please contact the Academic Administrator of Special Programs.

Caution about Changes in Placement

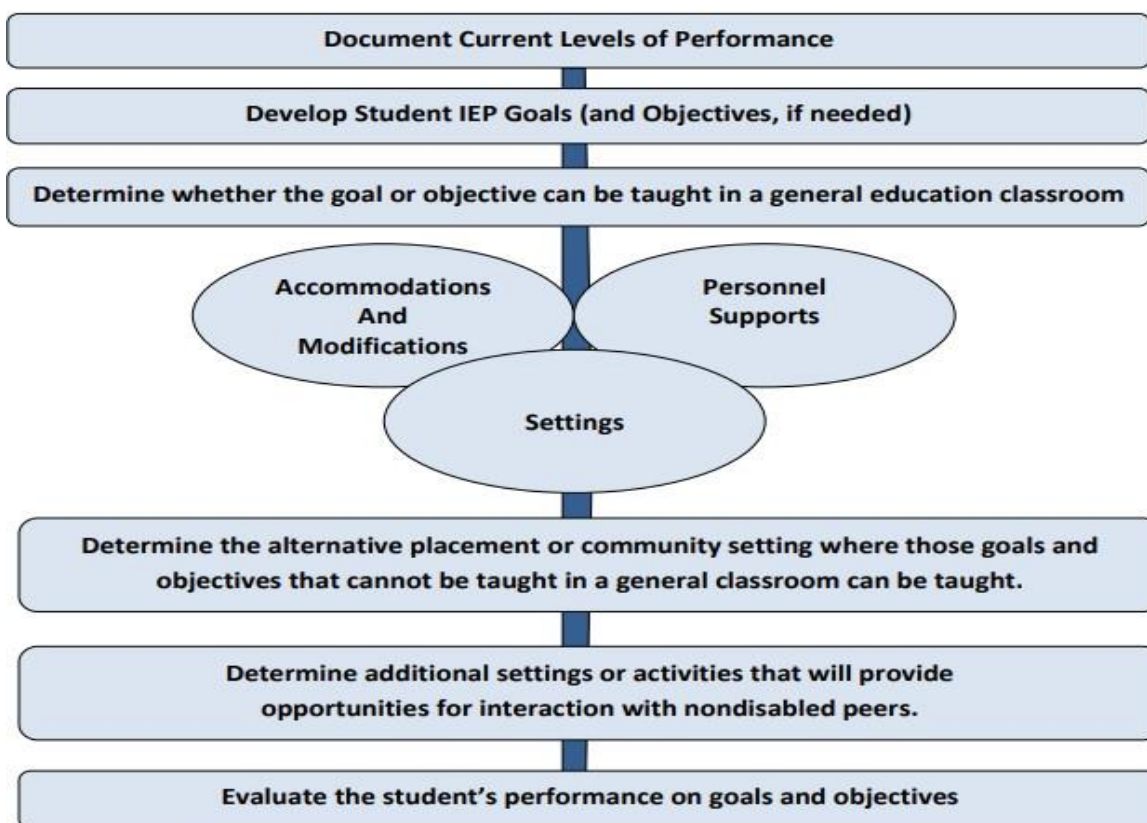
- Changes should be made at an IEP team meeting.
- IDEA 2004 provides for removal of a student with a disability from his or her placement when the student is posing a serious threat to self or others.
- Suspension of a student with a disability for 10 or more days constitutes a change in placement and a Manifestation Determination Review will take place

Non-academic and Extracurricular Services and Extracurricular Settings

In order to receive a FAPE, students must be included in more than just classroom activities. The school must ensure that each student with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the student to participate in school sponsored non-academic and extracurricular settings. [34 C.F.R. § 300.117]

Students with disabilities are to participate with students without disabilities in non-academic settings and extracurricular activities, to the maximum extent appropriate. These activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including employment by a public agency and assistance in making outside employment available. (34 C.F.R. § 300.107) These services or activities must be considered based on the student's individual needs and school offerings.

LRE Decision Process



Confidentiality

Confidentiality is one of the rights afforded to parents in the *Parent Rights /Procedural Safeguards* document. Confidentiality of educational records is a basic right shared by all children in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

All district personnel (including contracted employees) are governed by confidentiality requirements and will receive annual training and information regarding the law. Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA).

Personally identifiable information includes the following:

- the name of the student, the student's parent, or other family member;
- the student's address;
- any personal identifier such as the student's social security number or student number; and
- any personal characteristics or other information that would make it possible to identify the student.

FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools and most private schools. The school must comply with a request to inspect records within a reasonable amount of time, and in no case more than 45 days after the request has been made.

Destinations Career Academy of Georgia staff adheres to all portions of FERPA regarding student educational records and personal information.

Any correspondence, electronic or otherwise, referencing a student will only include the student's first initial, last name, and student identification number.

Special education documents including IEP notifications, IEP's and evaluations will be password protected and sent via email directly to the legal guardian. The password will always be 'student's last name year of birth' and will be sent in a separate email. The email containing the password protected documents should be sent with delivery and read receipt to ensure not only that the parent has received the documents but that they have read it. The receipts can be saved in the student's special education file as documentation that the documents were provided to the parent.

1. How is confidentiality viewed under special education laws?

Confidentiality of educational records is a basic right shared by all parents and their minor children in public schools, as described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

2. Which employees are bound by confidentiality laws?

All district personnel (including contracted employees) are governed by confidentiality requirements. GGADCA's employees receive training and information annually regarding confidentiality laws.

3. Where are special educational records kept?

GADCA's Department of Special Education maintains electronic files for all students' special educational records. These files contain all documents that have parents' original signatures, virtual signatures, and virtual signatures provided by parent (verbal/writing) consent; including consents for evaluations and placements. Restricted access is provided to designated personnel.

Work files maintained by teachers (outside GO IEP) should be kept in secure locations such as locked file cabinets or locked desk drawers. Because we are in a virtual environment staff should adhere to strict policies regarding the confidentiality of records. Records should never be left unattended (i.e., on the copy machine, on top of a desk, in locations within a residence that are not secure and/or left out in the open) where unauthorized person (s) can view or have access to information.

4. Who is authorized to access students' special education records?

Parents and Destinations Career Academy personnel with a "legitimate educational interest" are entitled to access the students' records. All teachers working with the student must be informed about the child's educational needs and their obligations to serve the student according to the Individualized Education Program (IEP). The Case Manager is responsible for ensuring a copy of students' accommodations are accessible and viewable at the beginning of each year or semester, as well as informing the appropriate personnel of any changes to or within the IEP. Other agencies and private providers may be provided with

information, verbal or written, only after the parent or adult student has provided written or verbal permission for the information to be shared.

Special Education Records

Parents must be provided with a copy of their Parental Rights and explained their rights at least annually and any time a change in placement, evaluation and/or revocation is requested.

- Parents have the right to keep their child's records private.
- School employees and school district contractors involved with providing services to a student may view the student's records without the parents' permission.
- Parental Rights must be provided to the parent in his or her native language.
- Parents can request a copy of their child's records through the GADCA Special Education Department; those records must be provided within 45 days of the request. When making this request, the parent must provide their request in writing. The district reserves the right to charge a fee for the copies; if a parent cannot pay for the copies, the district will provide the copies at no cost through an electronic format.
- GADCA maintains electronic records for all Students with Disabilities (SWD's). The district maintains a working copy of the student's file in GO IEP and SharePoint and provides restrictions on who can access the file.
- Parents have the right to request changes or removal in the records. The district has the right to refuse to change the record. If the District refuses to change the records, parents must be advised of their right to request a hearing. All such requests should be submitted to the Academic Administrator of Special Programs in writing. Upon reviewing the records, if errors or incorrect information were included, an IEP meeting must be held to amend the record and the parent must be informed verbally or in writing. In the event the information is corrected, the parent must also be notified verbally or in writing.
- By giving written permission, parents have the right to allow a person acting on their behalf to inspect and review their child's records.
- The rights of parents regarding education records are transferred to the adult student at age 18. [34 C.F.R. § 300.625(b)]

Special Education Record Maintenance

Electronic Files: Electronic files will be in a secure location that can control access to student records. Each file will be clearly labeled with student ID, name, and date of document. There should be standard naming conventions set by the school for all documents uploaded to the student's electronic file.

Special Education Records Request Procedures

1. Request current documents from parent during the enrollment process.
2. Upon receiving information that a student with special needs approved for enrollment in GADCA or enrolled in GADCA, the school will contact the previous school by telephone. The school will explain that GADCA is requesting special education records and that GADCA has a copy of the release of

information signed by the parent. Ask the person from the previous school where GADCA should send this fax to (to whose attention and at what fax #). It is not unusual for special education records to be kept at another school or the district main office.

3. GADCA will send a first request for records along with a release of information signed by the parent to each student's previous district containing a cover sheet asking that the student's special education records be sent to GADCA. What documents are needed will be specified on the fax cover sheet. Keep the fax confirmation sheet, if applicable, in the student file. Please note that pursuant to Federal statutes permission of the parent is not required when records are requested by authorized school personnel so do not delay the records request if you do not have signed release of records.
4. If the requested special education records have not been received within 5 calendar days or if partial special education records were sent, a second fax for request of records will be sent. If partial special education records were sent, it will be indicated on the second fax along with what documentation is still needed. The fax confirmation sheet, if applicable, should be kept in the student's file.
5. If complete special education records are not received within 5 calendar days of the second fax request for special education records, a certified letter will be sent with the student's information and what documentation is needed (or still needed if partial records were sent). If complete records are not received within 10 days of the certified letter being sent, the Academic Administrator of Special Programs will be notified.
6. Each student's records request status will be updated in the GADCA special education student tracker in Share Point to ensure compliance to time frames.

Three years after a student withdraws or graduates, any physical special education file will be transferred to electronic format and maintained without time limitation on a secure server. The physical file will be shredded once the electronic format has been stored.

Procedural Safeguards & Parent and Student Rights

The Parent Rights in Special Education (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to a FAPE. The Parent Rights notice, also called Procedural Safeguards notice, provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. This document should also help facilitate communication between parents and LEA personnel. The Parent Rights notice outlines the rights and safeguards available to parents of children with disabilities and students who have reached the age of majority (age 18) and are decisionmakers.

Requirements

1. "Parent Rights" must be given to parents only one time per school year, except that a copy shall also be given to parents in the following circumstances:
 - A. Upon initial referral or parent request for evaluation;
 - B. Upon receipt of the first state complaint in a school year;
 - C. Upon receipt of the first request for a due process hearing in a school year;

Rights Regarding Evaluation

Parents have the right to request that their child receive a comprehensive evaluation to determine whether the child is a student with an educational disability AND needs special education and/or related services. This includes having the child assessed in all areas of the suspected disability (which may include assessment(s) of behavior, academics, communication, social skills, and/or other daily living or functional skills). As a federally funded education agency, GADCA must conduct evaluation procedures and produce relevant diagnostic reports per regulations, and at no cost to the student or their family.

Evaluations can consist of gathering data from several sources of information, and through both formal and informal assessments. Additionally, evaluations may include parent-contributed standardized assessments – such as norm-reference parent rating scales. Parents and students have the right to receive all evaluation-related materials and communications in their native language. Evaluations must only involve the selection of assessments that are considered appropriate, in that they measure performance in one or more area the team determined should be measured, they are appropriate for use with the student’s age group/grade level, and they have a standard administration format applied to all recipients to support the validity of the results.

Parents have the right for their child to be given appropriate educational assessments by qualified evaluators (also referred to as examiners). GADCA only assigns evaluators who are determined eligible by the Georgia Department of Education (all clearances and specific credentials) to conduct student evaluations. Parents do not reserve the right to mandate GADCA to utilize a specifically named/chosen evaluator of their own finding for regular student evaluation/re-evaluations.

Due to standardized protocols for test security and factors impacting validity within the testing environment (the physical location in which a student is administered one or more assessment as part of an evaluation) GADCA policy is that parents/guardians are not present/involved within the testing environment during the administration of all assessment(s). (**NOTE:** If there are unique situations for which the absence of the parent/guardian, or other related individual, in the testing environment might be problematic for the student, the assigned evaluator should notify the GADCA Academic Administrator of Special Programs, and a plan will be discussed and implemented.

While parents have the right to receive a detailed review of assessment results and the implications it may have on their child’s learning, a parent may not request the alteration of assessment results, or the data-driven recommendations summarized based on the student’s performance.

- Parents have the right to withdrawal their consent for an evaluation at any time within the 60-day evaluation timeline from the date their signed consent was received. Once the evaluation/re-evaluation report is finalized through the required team process, consent for the evaluation may not be revoked. Should a parent have any concerns about the evaluation/re-evaluation report, they have a right to share those concerns with the IEP team and to collaborate through an effective resolution to those concerns.
- Parents have the right to contribute relevant information about the student from outside medical/clinical reports, prior school history, developmental information, which may or may not have implications on the overall outcome of the evaluation/re-evaluation.
- Parents have the right to ask general questions to be fully informed of the procedural steps GADCA follows for conducting initial evaluation or re-evaluation procedures, and the individuals expected to be involved in the process.
- A parent does not reserve the right to mandate GADCA to find a student eligible for one or more specific disability category, solely to obtain or acquire any non-school service or funding.

GADCA must produce evaluation reports that include adequate data leading to or justifying any actions it proposes/or refuses to take as a result. Since parents/guardians are members of the eligibility/IEP team, they may specify any concerns or disagreements they have with specific details, or with the overall recommendation(s) for educational programming. Throughout any evaluation/re-evaluation conducted by GADCA, parents/guardians maintain their Procedural Safeguards and right to due process. This is further specified within the Procedural Safeguards, Independent Educational Evaluation, and Due Process sections of this manual.

Georgia Procedural Safeguards: <https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Parent-Rights.aspx>

Prior Written Notice

The parents shall be provided notice written in language understandable to the general public a reasonable time before GADCA proposes to initiate or change the identification, evaluation or educational placement of a child or the provision of a FAPE to the child. Written notice shall also be provided if GADCA refuses to take such action. After rights have been transferred to a child who has reached the age of majority, any written notice covered under this Rule shall be provided to both the child and to the parent(s) of the child.

GADCA shall ensure that the notice required in this rule shall be provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication. GADCA must ensure the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

GADCA must inform the parents in writing and within a reasonable time of any actions being proposed or actions GADCA refuses to initiate. These include any of the following:

- identification (process to determine eligibility),
- evaluation (nature and scope of assessment procedures),
- educational placement (graduation from high school with a regular education diploma constitutes a change in placement), or
- FAPE (the provision of a free appropriate public education to children).

Prior Written Notice is often contained within the IEP document, as outlined below, when the discussion occurred during an IEP Team meeting. At other times, the parent will request an action and GADCA will respond in writing. Regardless of the way GADCA decides to provide prior written notice, the notice must contain:

- a description of the action refused or proposed by GADCA;
- an explanation of why GADCA refuses or proposes to take the action;
- a description of the evaluation procedure, assessment, records, or report used as a basis for the proposed or refused action;
- a statement that the parents have the protections of the procedural safeguards and if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
- sources for the parents to contact to understand the procedural safeguards;

- a description of other options the IEP Team considered and the reasons why those options were rejected; and
- a description of other factors that are relevant to GADCA's proposal or refusal.

In most cases, the above Notice requirements can be addressed by providing the parent(s) with a copy of documents such as the consent to evaluate, consent for placement, consent for accessing a child's or parent's public benefits or insurance, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request, but these items have not yet been generated for the child. In such a case, GADCA must respond to the request through an alternative manner, such as through a letter to the parent(s), which provides all of the required elements identified above.

Discipline

GADCA's handbook is given out at the time of enrollment. Parents, students, educators, and administrators know what the code of conduct and rules are, and students with disabilities should be expected to follow the rules that are in effect for all of the students in the school. Disciplinary procedures described pertain to all students with disabilities in any category of eligibility who violate the code of student conduct.

Disciplinary Actions of 10 School Days or Less

Students with disabilities should be expected to follow the code of conduct. A student with a disability, who has an Individualized Education Program (IEP) in effect, can be removed to OSS, another setting, or an appropriate interim alternative educational setting (IAES), just as any other student without a disability can, for up to a total 10 school days, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided if the removal is for 10 or fewer school days in the school year.

Students with disabilities who are in In-School Suspension (ISS) must continue to have access to the general curriculum and to progress toward the goals in the IEP in order for ISS not to be considered a removal and not to be counted toward the 10 days of suspension.

Disciplinary Actions beyond 10 Days

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting.

After a student has been removed for 10 school days in the same school year, and a subsequent removal is not for more than 10 consecutive days and is not a change in placement, then the district personnel and at least one of the student's teachers must determine the extent of services needed so the student can continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting.

If GADCA wants to suspend a student from school for more than 10 consecutive school days, or to have a student's educational setting changed to an interim alternative educational setting for up to 45 school days for weapon or drug possession or for infliction of serious bodily injury on another person, district officials must notify the parent immediately of this decision. GADCA personnel may consider unique circumstances when determining whether a change in placement is appropriate for a student with a disability. These circumstances are best determined at the local level by district personnel who know the student and the facts and factors related to the behavioral violation. GADCA personnel may consider various forms of information such as the student's disciplinary history, ability to understand the consequences, and expression of remorse, as well as the supports that were provided to the student prior to the behavioral violation.

Manifestation Determination

GADCA personnel must follow specific procedures when they discipline children with disabilities. Removals of children by LEA officials refer to out-of-school suspensions (OSS), expulsions, or other disciplinary actions resulting in children not receiving a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, GADCA, the parent, and relevant members of the child's IEP Team (as determined by the parent and GADCA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of GADCA's failure to implement the IEP.

The conduct must be determined to be a manifestation of the child's disability if GADCA, the parent, and relevant members of the child's IEP Team determine that either of the aforementioned conditions were met.

If GADCA, the parent, and relevant members of the child's IEP Team determine the condition described was met, GADCA must take immediate steps to remedy those deficiencies.

Determination that behavior was a manifestation. If GADCA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must either:

- Conduct a functional behavioral assessment, unless GADCA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
- If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

Except as provided in the special circumstances identified below, return the child to the placement from which the child was removed, unless the parent and GADCA agree to a change of placement as part of the modification of the behavioral intervention plan.

- Special circumstances: school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the state or LEA;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or LEA; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or LEA.

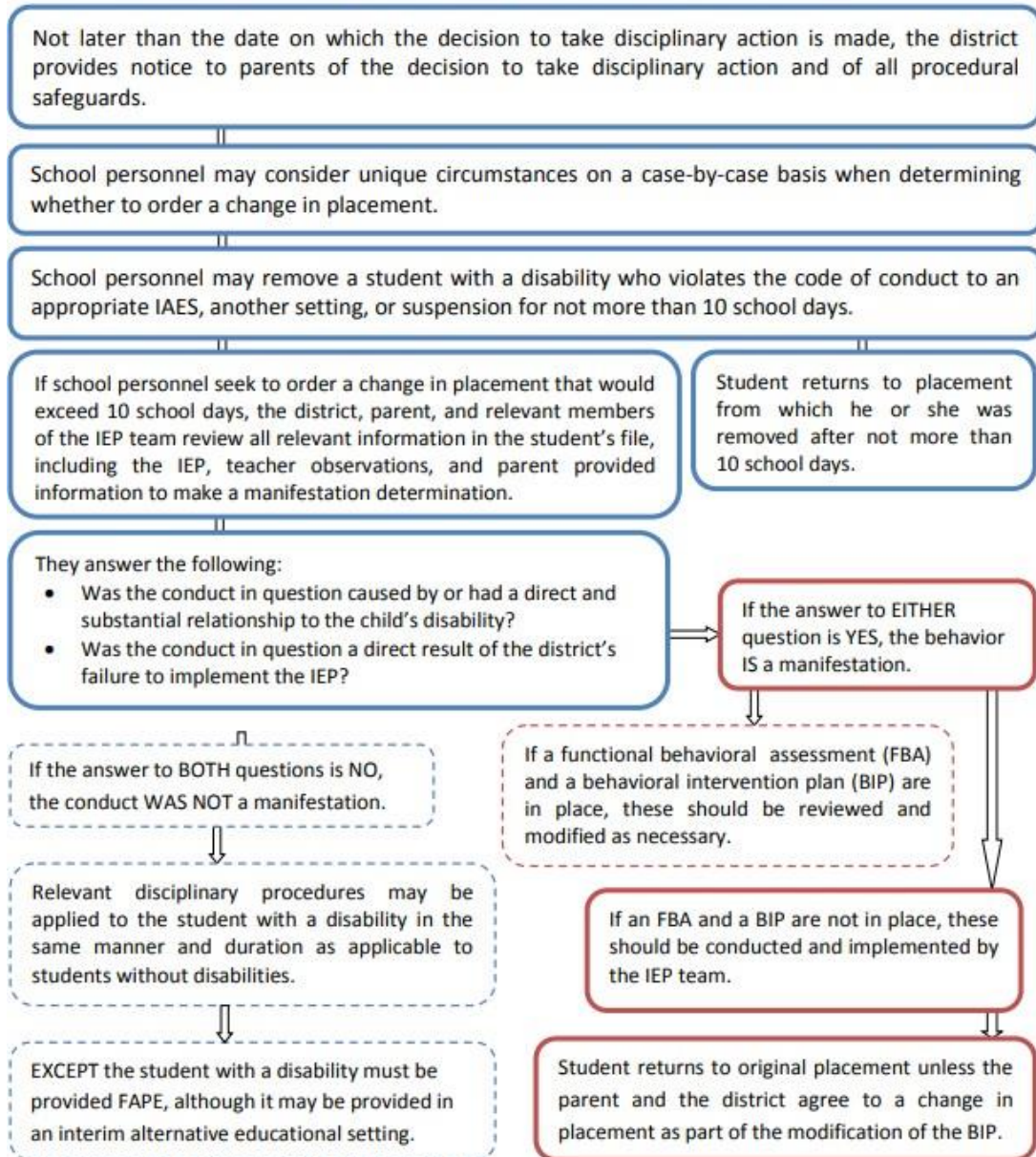
On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, GADCA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in §300.504.

For purposes of this section, the following definitions apply:

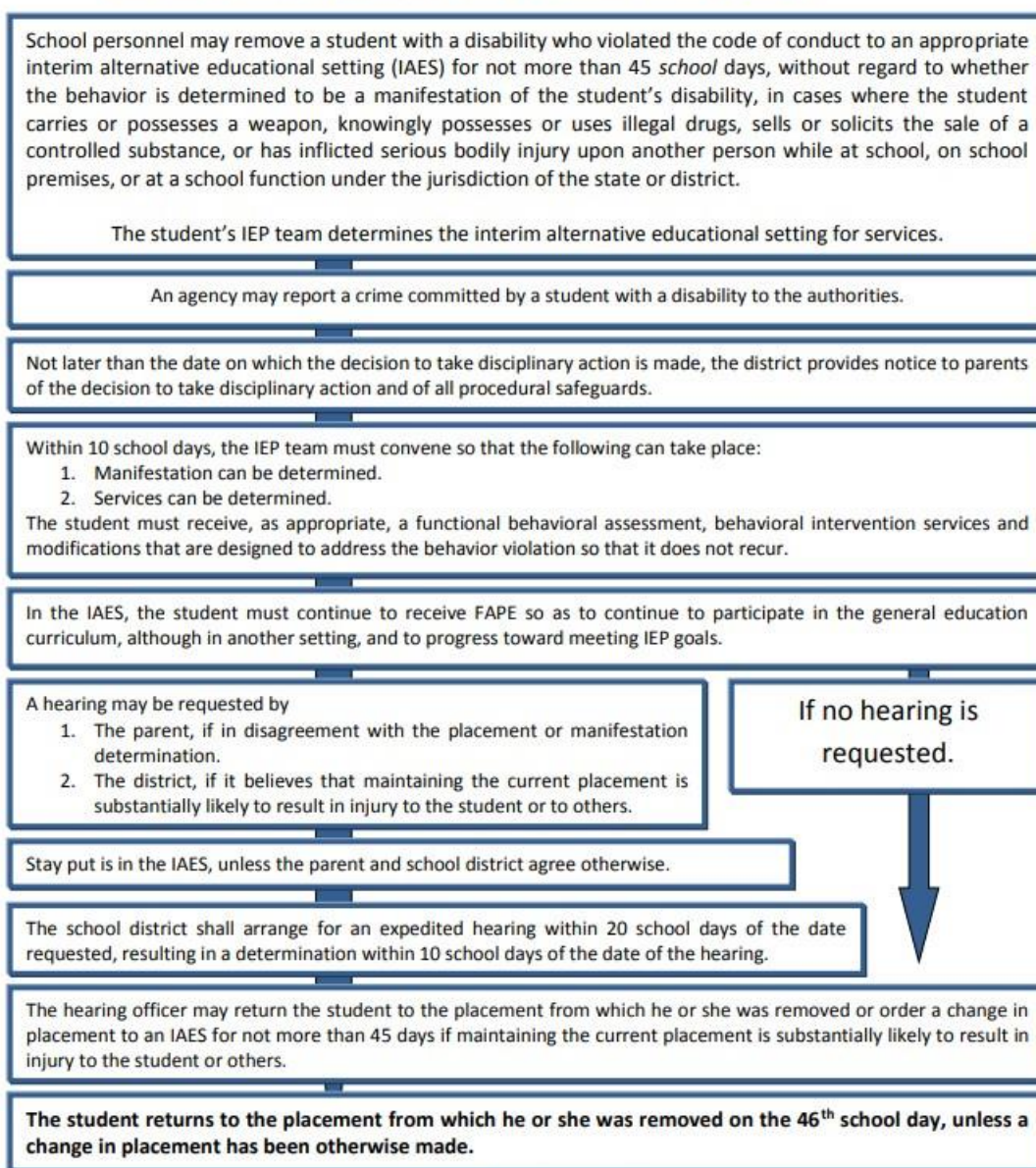
- Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code. (Authority: 20 U.S.C. 1415(k)(1) and (7))

Student with a Disability: Violates Code of Conduct (Flow Chart)

(Not including infractions involving weapons, drugs, or inflicting serious bodily injury)



Violations of Code of Conduct: Special Circumstances (Flow Chart)



Functional Behavior Assessment/Behavior Intervention Plan

Many students with disabilities exhibit inappropriate behaviors that interfere with learning. Some behaviors can cause harm to the student or others. There are many reasons why a student might exhibit problem behaviors. All behaviors, even inappropriate ones, serve a purpose. Some behaviors are a part of their disability. Some are behaviors they cannot control. And other behaviors can be changed or replaced with more acceptable ones. Functional behavioral assessments and behavior intervention plans can be used by families and professionals to understand the reason for the behavior and to manage or change the behaviors.

A functional behavioral assessment (FBA) is a systematic process for defining a child's specific behavior and determining the reason (function or purpose) the behavior is occurring. The FBA process includes

examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

The FBA should include:

- An observable and measurable definition of the target behavior;
- Measurement of the behavior; • Data collection and assessment; and
- A summary (hypothesis).

A behavioral intervention plan (BIP) is a plan for a child with disabilities, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings.

The BIP should include:

- Information from the FBA: This includes the target behavior, the data that was collected, and the best ideas about the purpose or function of the behavior;
- Positive strategies to avoid or prevent the behavior;
- New skills to replace the target behavior;
- Ways to teach the new behaviors;
- Consequences;
- Dates when the plan will be implemented;
- Names of people who will implement the plan;
- Materials, training, and support for persons implementing the plan;
- Collecting and reviewing data; and
- Timelines for team meetings, reviewing the data and monitoring the plan.

If the IEP Team has adequate information to develop a Behavior Intervention Plan, a Functional Behavior Assessment may not be required. Although not required, the best practice is to conduct an FBA prior to the development of a BIP. In the case of a required FBA and BIP due to discipline procedures and the determination that the behavior in question was a manifestation of the child's disability, both an FBA and a BIP must be developed. If already completed, the FBA and BIP must be reviewed and revised, as necessary.

FBA/BIP Checklist:

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-EducationServices/Documents/Sp%20Ldrshp%2014%20Handouts/Handout%201-16.pdf>

BIP Best Practices:

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-EducationServices/Documents/Eligibility%20Areas/BIP%20Best%20Practice%20One-pager-FINAL.pdf>

GA Model BIP:

http://archives.gadoe.org/_documents/ci_exceptional/New%20Sp%20Ed%20Sample%20Forms/Behavioral_Intervention_Plan.pdf

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Surrogate Parents

All children with disabilities are entitled to a FAPE under state rules and federal special education laws and regulations. Included in these laws is a mandate that the parents of children with disabilities have the opportunity to participate actively in the educational decision-making process. However, some children with disabilities do not have parents (as defined in the previous section) who can fulfill this especially important role. The IDEA and Georgia Rules require that, in certain cases, an individual must be appointed by GADCA or a judge as a surrogate parent to make decisions regarding the FAPE of a child with a disability.

A surrogate parent is needed when:

- no parent (as defined by the IDEA) can be identified;
- GADCA, after reasonable efforts, cannot locate a parent;
- the child is a ward of the State; or
- the child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (6)).

For a child who is a ward of the State, a judge overseeing the child's case may appoint a surrogate parent. The surrogate parent has no fiscal responsibility or other responsibility for the child's daily care. The surrogate parent must:

- protect the child's rights in the educational and decision-making processes, including the identification, evaluation, and placement of the child and the provision of a FAPE to the child;
 - follow confidentiality requirements of Georgia Rules and federal law;
 - participate in developing, reviewing, and revising the child's IEP;
 - exercise other rights as needed given to parents under the IDEA and Georgia Rules;
 - not be an employee of the GaDOE, GADCA, or any other agency* that is involved in the education or care of the child;
 - have no personal or professional interest that conflicts with the child he or she represents; and
 - have the knowledge and skills that ensure adequate representation of the child.
- A person assigned as a surrogate parent who receives compensation for these services by an agency would not necessarily be considered an employee of the agency under IDEA.

LEAs (Local Educational Agencies) must have a method for determining whether a child needs a surrogate parent and a method for assigning surrogate parents prepared to serve in that role. LEAs must also maintain a list of eligible persons to serve as surrogate parents. It is also strongly suggested that LEAs provide annual training to surrogate parents.

The Academic Administrator of Special Programs maintains a list of trained surrogates whether provided by the Georgia or compiled locally. When a Special Education Case Manager cannot identify or with reasonable efforts locate someone who qualifies as a "parent" in accordance with the Georgia Board of Education Rules, the Case Manager will select a surrogate from a list of trained surrogates to invite to the meeting and notify the Academic Administrator of Special Programs.

Dispute Resolution

A formal complaint is a written, signed complaint alleging a violation(s) of the IDEA or of Georgia Special Education Rules. Any organization or individual may file a signed written complaint. The complaint must include:

- A statement that a public agency has violated a requirement of the IDEA or Georgia Special Education Rules;
- The facts on which the statement is based;
- The signature and contact information for the complainant; and if alleging violations with respect to a specific child, include the name and address of the residence of the child; the name of the school the child is attending;
- In the case of a homeless child or youth, include available contact information for the child, and the name of the school the child is attending;
- A description of the nature of the problem of the child, including facts relating to the problem; and a proposed resolution of the problem to the extent known and available to the party the time the complaint is filed;
- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received;
- The party filing the complaint must forward a copy of the complaint to GADCA or public agency serving the child at the same time the party files the complaint with the GaDOE.

Formal complaints are filed in writing and sent to GADCA and the GaDOE, Division for Special Education Services and Supports (DSESS). A formal complaint form, which may be used to submit a formal complaint, is located on the Formal Complaint web page on the GaDOE website.

In addition to GADCA having the opportunity to present a proposal, the mediation process is also available. Mediation is available at no cost. Mediation is a non-adversarial process conducted by a qualified and impartial mediator who is trained in effective mediation techniques to resolve disputes. If both parties choose to participate in the mediation process, the complaint investigation may still proceed. The timeline for the complaint may be extended if both parties agree to extend the timeline while they participate in mediation. If both parties agree to mediation, a written agreement will be developed and implemented. Mediation is legally binding in a State or District court. If an agreement is reached and the complainant withdraws their complaint, the complaint will be closed. If agreement is not reached or if the complainant does not withdraw their complaint, the complaint investigation will continue, and a decision of compliance will be made by the GaDOE.

Upon receipt of the first written complaint, GADCA will provide a copy of procedural safeguards to the parent of a child with a disability.

If both parties indicate on the complaint form or through other means that they are interested in mediation, then the GaDOE will assign a mediator.

GADCA must provide a written response to the GaDOE DSESS and also send a copy to the person filing the complaint (with some exceptions). The DSESS requests that GADCA send this response within 10 days of receiving the formal complaint initiation letter. The DSESS will conduct an investigation to confirm details and

to get clarification of the issues. The investigation may include interviews with the parties, observations, on-site visits, and other activities as indicated by the nature of the allegation.

The DSESS will give the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has seen the response from GADCA. If both parties reach an agreement and resolve the complaint before the GaDOE investigation is complete, the complainant may withdraw the complaint and the complaint will be closed without making a determination regarding compliance. If both parties go to mediation and reach an agreement and the complainant withdraws the complaint, then the complaint will be closed without a decision regarding compliance. If mediation is used and an agreement is not reached or if the complainant does not withdraw the complaint, then the complaint investigation will continue.

Within 60 days of the receipt of the complaint, the DSESS will issue a written decision that addresses each allegation in the complaint and contains findings of fact and determinations of compliance or noncompliance. The timeline may be extended to accommodate for mediation (if both parties agree) or other exceptional circumstances with respect to a particular complaint. When a violation of the law or regulations has occurred, a resolution will be required. The resolution may include technical assistance activities, compensatory services, reimbursement, and other corrective actions to achieve compliance.

Complaints that a LEA has failed to meet the requirements regarding children who are parentally placed in private schools must be filed under the complaint procedures outlined above.

GA statute: http://archives.doe.k12.ga.us/DMGetDocument.aspx/160-4-7-.12_Dispute_Resolution_3-3110.pdf?p=6CC6799F8C1371F683DB7194AC8721B1C10F1B1B75F96FD2DEC2E6EC6A5B4551&Type= D

Disputes that are resolved at the local level may preserve and even strengthen the relationship between the school and the parent. While the parent always has the right to request Mediation or a Due Process Hearing and should always be informed of this right, many times issues can be resolved at a less intense level as system personnel and parents seek mutual understanding and agreement. The following four (4) step process may be used to resolve problems before they grow to the level requiring Mediation or a Due Process Hearing:

Step One: Contact the assigned Special Education Teacher or Academic Administrator of Special Programs via email and/or by phone.

Step Two: Hold an IEP team meeting to discuss concerns of the IEP team members.

Step Three: If 'Step Two' is unsuccessful, contact the GADCA Head of School via email and/or by phone.

Step Four: If 'Step Three' is unsuccessful, contact the Academic Administrator of Special Programs via email and/or phone.

Step Five: If 'Step Four' does not resolve the matter, contact the Office of Legal Services, Georgia Department of Education, Division of Special Education.

Although the goal should always be to resolve disputes at the local level, sometimes situations require the assistance of people not directly involved with the issues at hand. The school administration should contact Stride Legal to apprise them of any possible or pending Mediations or Due Process Hearings.

Dispute Resolution Comparison Chart

| Question | Complaint | Mediation | Due Process Hearing | Resolution Session (only upon request for a due process hearing) |
|---|---|---|---|---|
| Who can initiate the process? | Any individual or organization. | Parent or district, but must be voluntary for both parties | Parent or district | District schedules the resolution session upon receipt of a due process hearing request unless the parties agree to waive or use mediation |
| What is the time limit for filing? | One year from the date of the alleged violation | None specified | Two years from when the party knew or should have known of the problem, with limited exceptions | Triggered by a parent's due process hearing request |
| What issues can be resolved? | Alleged violations of federal regulations and Georgia Department of Education Rules for Special Education | Any matter under the IDEA federal regulations and Georgia Department of Education Rules for Special Education, including matters arising prior to the filing of a due process complaint (some exceptions) | Any matter relating to the identification, evaluation, educational placement, or provision of free appropriate public education (some exceptions) | Same issues as the due process hearing request |
| What is the timeline for resolving the issues? | 60 days from receipt of the complaint unless extended for unusual circumstances | None specified | 45 days from the end of the resolution session unless specific extensions to the timeline are granted | District must convene a resolution session within 15 days of receipt of the due process hearing request unless both parties agree in writing to waive the session or agree to use mediation. The resolution period lasts for not more than 30 days. |
| Who resolves the issues? | Georgia Department of Education/ Division for Special Education | Parent and district with a mediator; both parties must agree to the solution in writing; decisions are legally binding | Administrative Law Judge | Parent and the district; both parties must agree to the solution in writing; decisions are legally binding |

Mediation

When the parent and the district disagree about the education of a student with a disability, either may request mediation. An impartial or neutral person, called a mediator, assists the school and the parent in

clarifying the problem, exploring interests, discussing options, and reaching a mutually agreeable solution. The mediator does not tell either party how to resolve the dispute, but he or she works with both in the development of their solution. If an agreement is reached, it is documented in writing and signed by all parties. The written agreement is a legally binding agreement and is enforceable in any Georgia court of competent jurisdiction or in a District Court of the United States. This informal and collaborative approach to problem solving can often foster a positive working relationship between the district and the family.

Mediators are trained in conflict resolution, collaborative problem solving, and effective communication. In addition, mediators for special education are required to have knowledge and experience in the laws impacting the education of students with disabilities. The GaDOE has a set of mediators under contract. When mediation is requested, a mediator will be assigned from that list.

Procedures for Mediation

- Either the parent and the student or the district may request mediation.
- The first step is to ask the other party if he/she/it is willing to mediate the disputed issues.
- If a family member is requesting mediation, contact the district's special education office, and district personnel will complete the request for mediation and submit it to the GaDOE. A mediation request form is located at the bottom of the Mediation Requests web page on the GaDOE website.
- The mediation request is faxed to the GaDOE Legal Services, 404-657-8376.
- Upon receipt, Legal Services assigns the request to a mediator.
- The mediator will contact both parties to develop the timeline, set up the meeting location, and begin preparation.
- Mediation will occur at a location and time convenient to both parties.
- Once parties have agreed to a date and location, participants should be prepared to spend most of the day in mediation.
- If a resolution is reached, the mediator will facilitate the agreement, and all parties will sign the mediation agreement.
- After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement, which is a legally binding document.
- If mediation is being requested as part of a due process hearing, the mediation will not delay nor deny the right to a due process hearing. However, discussions during mediation cannot be used as evidence in any due process hearing or civil proceeding.

Due Process Hearing

When the parent and the district disagree over the identification, evaluation, placement, or provision of FAPE, either party may request a due process hearing. An impartial due process hearing is designed to provide an opportunity to resolve differences between concerned parties in the identification, evaluation, placement, or provision of a free appropriate public education for a student with a disability. A hearing may be requested by either the school district or the family when the parties cannot agree and other means of dispute resolution have not been successful.

A due process hearing request must allege a violation that occurred not more than two years before the date the parent or district knew or should have known about the alleged action that forms the basis of the request, with some exceptions. The two-year timeline does not apply if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district indicating that it had

resolved the problem forming the basis of the complaint, or if the school district withheld information from the parent that was required to be provided to the parent.

Due process hearings are provided at no cost to either party; however, each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses unless a court awards the recovery of these costs to a prevailing party. The district must inform the parents of low cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the district.

Due process hearings are conducted by the Office of State Administrative Hearings (OSAH). Once a request is received by OSAH, an administrative law judge (ALJ) will be assigned to conduct the due process hearing. That ALJ will contact both parties and begin to set up the arrangements for the impartial due process hearing.

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. The 45-day timeline starts the day after the ALJ has been informed of one of the following events: (1) Both parties agree in writing to waive the resolution meeting; (2) After either the mediation or resolution meeting starts, but before the 30-day resolution period ends, the parties agree in writing that no agreement is possible; or (3) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or district withdraws from mediation. Extensions to the 45 days for a decision may only be allowed when both parties agree and the extension does not violate the rights of the student.

Requesting an Impartial Due Process Hearing

- The initiating party should inform the other party and the Georgia Department of Education (GaDOE) of the request for a due process hearing.
- The district is responsible for relaying the hearing request to the GaDOE Legal Services on the day the request is received in the district.
- The request is required to contain the name of the student, the school, and the district in which the student is enrolled, contact information for the family, and school district contact information. The request must also contain a description of the problem and a proposed resolution. The form provided by GaDOE should be used. This form is located at the bottom of the Due Process Hearing Requests web page of the GaDOE website. A hearing may not occur until the party or the attorney representing the party files a request that meets all of the requirements.
- A district may assist the parent in completing the form as necessary in order to obtain a sufficient complaint notice.
- Once received by GaDOE, immediate contact will be made with the Office of State Administrative Hearings (OSAH) to assign the case to an ALJ.
- The ALJ will contact the parties and begin to set up the logistics of the hearing.
- An expedited due process hearing may be requested if the request is related to a manifestation determination or placement in an alternative educational setting.

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. If a resolution meeting or mediation is used, the timeline of 45 days begins at the conclusion of a 30-day resolution period, or earlier if the meeting does not result in a settlement. Other extensions may only be allowed when both parties agree and the extension does not violate the rights of the student

Responsibilities of District Upon Receipt of a Request for a Due Process Hearing

- The district must send the Due Process Request to the GaDOE.

- If the district has not provided prior written notice to the requestor regarding the issues in the request, it must, within 10 days, provide such prior written notice.
- If the district has provided prior written notice, it must respond to the due process request within 10 days.
- If the district feels that the due process request is insufficient, the district must notify the ALJ within 15 days of receiving the request. (The ALJ has 5 days to determine whether the request is sufficient. If sufficient, the timeline moves forward. If not sufficient, the parent must re-file the request.)
- The district must offer the option of a resolution meeting within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing. The district must convene a meeting with the parent and relevant members of the IEP team who have knowledge of the facts identified in the due process request. This meeting must include a representative of the district who has decision-making authority on behalf of the district. The resolution meeting may not include an attorney for the district unless the parent is accompanied by an attorney. The parent and the district determine the relevant members of the IEP team who will attend the meeting. The resolution meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use mediation to attempt to resolve the due process hearing request.

Responsibilities of the Parent Upon Requesting or Receiving a Request for a Due Process Hearing

- If the parent is the receiving party (not the party making the request), he or she must respond to the district within 10 days of receiving notice of a due process request.
- If the parent is the initiating party, he or she must provide sufficient information with the request to allow the district to understand why the request is being made. The form provided by GaDOE should be used. This form is located at the bottom of the Due Process Hearing Requests web page of the GaDOE website.
- The parent should consider using the resolution meeting or mediation to resolve the differences.

Resolution Meeting

- If agreement is reached, a written settlement will be developed and signed by the district and the family.
- An agreement is binding in State or District Court after a 3-day review period or through the State complaint process.
- The agreement must be implemented by the end of the 30-day resolution period or the due process hearing will proceed.
- If no agreement is reached, the timeline for due process hearings (45 days) begins upon notice to the ALJ.

Procedures/Rights for a Hearing

- The hearing will be conducted at a time and place convenient to the parent and the district involved and at an impartial location.
- The district shall provide the parent/guardian information about low cost or no cost legal services.
- Parents have the right to request and obtain copies of all records concerning the student from the school district 5 or more business days prior to a hearing.
- Either party may be accompanied and advised by legal counsel or another individual with knowledge or training related to the student about whom the hearing is being conducted.

- Either party may present evidence at the hearing if disclosed to the other party at least 5 business days prior to the hearing.
- Either party may compel the attendance of witnesses. One party must provide a list of witnesses to the other party at least 5 business days prior to the hearing.
- Both parties will receive a copy of the written record of the hearing.
- Parents have the right to have the student present at the hearing.
- Confidentiality of information shall be maintained even when in a hearing.
- Parents in a hearing have a right to obtain relief that the ALJ determines appropriate, which may include payment for an independent evaluation, reimbursement for services, alteration of the IEP, alteration of the placement, or other relief as determined by the ALJ.
- An appeal to a due process hearing must be filed within 90 days in a State or District Court

Stay Put

During the pendency of any administrative or judicial proceeding, including mediation (if the school district or other public entity voluntarily agrees to participate in mediation), unless the school district and the parents or student (if at least 18 years of age or emancipated) otherwise agree, the student shall remain in his or her present educational placement and continue in his or her present eligibility status and special education and related services, if any. If mediation fails to resolve the dispute between the parties, the parent (or student if 18 years of age or older or emancipated) shall have 10 days after the mediation concludes to file a request for a due process hearing in order to continue to invoke the “stay-put” provisions of this subsection (j). The costs for any special education and related services or placement incurred following 60 school days after the initial request for evaluation shall be borne by the school district if the services or placement is in accordance with the final determination as to the special education and related services or placement that must be provided to the child, if during that 60-day period there have been no delays caused by the child's parent.

When a hearing has been requested by either party, the child shall remain in his or her current educational placement unless the parent and GADCA agree to an alternate placement. This is commonly referred to as “stay put.” “Stay-put” does not apply when the parent is appealing a decision to place the child in an interim alternative setting because of discipline.

Private Schools

Children with Disabilities Placed in Private Schools by the District

If the Individualized Education Program (IEP) team, including the parent, decides that the most appropriate placement for a student is in a private school, GADCA continues to be responsible for making sure that the student receives the special education and related services included in the student's IEP and that those services are provided at no cost to the parent.

GADCA should make sure that the education provided at the private school meets the standards that apply to other students with disabilities and that the student and parent continue to have all the same rights that other students with disabilities and their parents have. A district representative must visit the private school at least annually. Ultimately, GADCA remains responsible for ensuring free appropriate public education (FAPE) when the student is placed in the private school.

The IEP team, with all of the appropriate members including the parent, private school or facility staff, and district representative will develop the IEP for the child. IEP team members may participate in the meeting through a conference call or other means. GADCA will ensure that the parent can attend at no cost to the parent.

Districts may apply for grant funds if the child is placed in a private school or facility that is approved by the Georgia Department of Education (GaDOE). If the private school is out of the state, it must be on the approved list of the state where the school is located.

Children with Disabilities Placed in Private Schools by the Parent

Children who are home-schooled within the boundaries of the district are considered parentally-placed private school children for the purposes of special education.

Child Find

GADCA is required to carry out child find activities to locate, identify, and evaluate children attending the private schools within the jurisdiction of the district. GADCA must consult with representatives of the private school to complete child find activities. These activities must be similar to activities undertaken for the children in the district and must be completed in a timely manner comparable to other children attending GADCA. Child find activities include any parentally-placed children who attend a private school within the jurisdiction of the district, even if the student resides in a different district or in a state other than Georgia.

Consultation Process

The consultation process is important to ensure the provision of equitable services. Consultations with the representatives of private schools, parents of private school students, and parents of home-schooled students must be timely and meaningful. Consultation requirements include

- how parentally-placed private school children suspected of having a disability can participate equitably in the Child Find process;
- how the parents, teachers, and private school officials will be informed of the Child Find process;
- how the determination of the proportionate share of federal funds available to serve the children with disabilities was calculated;
- how the process will operate throughout the school year;
- how, where, and by whom the special education and related services will be provided;
- how funds will be apportioned if funds are insufficient;
- how and when those decisions will be made; and
- how the district will provide to the private school officials a written explanation of the reason why it chose not to provide services directly or through a contract.

GADCA must obtain a written affirmation signed by the representatives of the participating private schools as documentation of the consultation process and must be prepared to submit this documentation to the GaDOE upon request. If the private school officials believe that GADCA did not engage in the consultation in a meaningful or timely manner or did not consider the views of the private school officials, it may submit a complaint through the Formal Complaint Process to the GaDOE. (See the chapter on Dispute Resolution). If the private school is not satisfied with the decision of the GaDOE, they may submit the complaint to the United States Department of Education (USDOE).

Equitable Services Determined

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled at GADCA. GADCA only has an obligation to provide these children an opportunity for equitable participation in the services funded with Federal Part B dollars that the district has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. GADCA will make the final decisions regarding services to be provided prior to the start of the school year.

Services Plans

A Services Plan will be developed and implemented for each private school child with disabilities who will receive services from GADCA. GADCA will initiate and conduct the meetings to develop, review, and revise a services plan. It will ensure that a representative of the private school attends each meeting. As with IEPs, in-person participation in the meeting is encouraged, but participation may be through conference call or other means. Services provided to private school children must be provided by district personnel who meet the same standards as personnel providing the services in the district, except they do not have to meet the highly qualified special education teacher requirements. Services may be provided at the private school, or children may be transported to the public school or community setting to receive services. Transportation may be provided by GADCA, but it cannot transport the child from home to the private school. Transportation costs will be included in calculating whether GADCA has met the requirements of proportionate funding.

GADCA may provide materials, equipment, and property purchased to implement the services to the children with disabilities in the private school; but these must be used only for those purposes and must be returned when no longer needed. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The district may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school, or the general needs of the children in the private school.

Expenditures

To meet the requirements for provision of services to parentally-placed private school children, the district must follow these guidelines:

- For children ages 3-21, the district must expend an amount that is the same proportion of the district's total Part B of the IDEA flow-through funding as the number of private school children with disabilities, ages 3-21, attending private and home schools in its jurisdiction is to the total number of children with disabilities in its jurisdiction.
- For children ages 3-5, the district must expend an amount that is the same proportion of the district's preschool funding as the number of private school children and home-schooled children with disabilities, ages 3-5, attending private and home schools in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.
- If the district has not expended all of the funds required by the end of the fiscal year, the district must carry over funds for a period of one additional year to be used for proportionate share.

- The district must consult with representatives of the private school in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.
- The district must ensure that the child count is done on October FTE-1 of each year since this count is used to determine the amount the district must spend in the following fiscal year.

Parentally-placed private school provisions are to be applied to preschool-aged children only when these children who are eligible for a service plan attend private nonprofit elementary school (grades K and higher).

Preschool students who attend private preschools within their district of residence are served by the district through an IEP.

Parentally-placed private school preschool students who attend private preschools (that are not considered elementary or secondary schools) outside their residential district are not entitled to services from that district.

Placement of Children by Parent When FAPE is at Issue

Sometimes a district will make free appropriate public education (FAPE) available to a child but the child's parent decides to place the child in a private school or facility. The district is not required to pay for the cost of the education for this child at the private school. When the district and the parent disagree regarding the availability of an appropriate program for the child, due process hearing procedures may be initiated by the parent. An administrative law judge (ALJ) may find that the district had not made FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost of the private school. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or the district.

When FAPE is at issue between the parent and the school district, and the parent determines that he or she is going to place the student in a private school at public expense, the parent must notify the district in writing at least 10 business days prior to the removal of the child or at an IEP meeting prior to the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced or denied. The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the district prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English, or the notice requirement would result in serious emotional or physical harm to the child.

Personnel, Facilities, and Caseloads

GADCA will maintain records of current credentials for all professionals employed under contract by GADCA.

GADCA will recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities. [34 C.F.R. § 300.156(d)]

Related service personnel who deliver services in their discipline or profession must maintain current, State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and

these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis. [34 C.F.R. § 300. 156(b)(2)]

1 . The required standard credential for all personnel providing educational interpreting for children who are deaf or hard of hearing in LEAs , regardless of job title, shall hold a current Georgia Quality Assurance Screening (G-QAS) rating of Level III or higher in both interpreting and transliterating , as approved and maintained by the Georgia Department of Labor/Vocational Rehabilitation Program (DOL/VR), and/or documentation of advanced interpreting skills and qualifications through current national certification from the Registry of Interpreters for the Deaf (RID), and/or documentation of advanced interpreting skills and qualifications through current national certification from the National Association of the Deaf (NAD) Levels III, IV or V, and/or documentation of advance interpreting skills and qualifications through a current Educational Interpreter Performance AssessmentS (EIPA) rating of Level 3 .5 or higher . The EIPA rating cannot be more than five years old.

2. Maintenance of current credentials shall be the ongoing responsibility of any educational interpreter employed by an LEA for purposes of educational interpreting for children who are deaf or hard of hearing . Maintenance of records of current credentials shall be the ongoing responsibility of the LEA, and current credentials of educational interpreters must be filed with other personnel records (e .g., teacher certification credentials).

(d) The LEA shall provide a classroom of suitable size in a distraction-free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served. GaDOE has established this policy as a safeguard to prevent placing children with disabilities in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction.

(e) Thirty-eight square feet shall be provided for each child in the class with a variance of 10 percent depending upon the total number of personnel in the class at any time, the type of children and class, the kind and amount of furniture and equipment required and the necessity for storage capabilities . Special circumstances shall be reviewed by the Facilities Department of the GaDOE and shall be addressed in the approved local facility plan.

(2) Information about caseloads for children with disabilities is contained in Appendix A below.

(a) The following are maximum class sizes and caseloads for personnel providing services for children, ages 3 through 5, in Community (C), Full Day, and Part Day classes. All numbers shown for Maximum Class Size are with a Paraprofessional.

| | Maximum Class Size | Caseload |
|----------|--------------------|----------|
| Full Day | 8 | 16 |
| Part Day | 12 | 32 |

Class Sizes and Caseloads

Self-Contained (SC), Resource (R)

| Program Area | Maximum without a Para | Maximum with a Para | Caseload |
|---------------------------|------------------------|---------------------|-------------------|
| Intellectual Disabilities | | | |
| Mild | SC – 10 R – 10 | SC – 13 R – 13 | SC – 14 R - 26 |
| Moderate | NA | SC - 11 | SC - 11 |
| Severe | NA | SC - 7 | SC - 7 |
| Profound | NA | SC - 6 | SC - 6 |
| EBD | SC – 8 R – 7 | SC – 11 R – 10 | SC – 12 R - 26 |
| SLD | SC – 12 R – 8 | SC – 16 R – 10 | SC – 16 R – 26 |
| VI | SC – NA R – 3 | SC – 6 R – 4 | SC – 7 R – 13 |
| Deaf/Hard Hearing | SC – 6 R – 3 | SC – 8 R – 4 | SC – 8 R – 11 |
| Deaf-Blind | SC – NA | SC – 6 | SC – 7 |
| SLI | SC – 11 R – 7 | SC – 15 R – NA | SC – 15 R – 55 |
| OI | SC – NA R - 4 | SC – 11 R – 5 | SC – 11 R - 15 |

Note: Each *paraprofessional (para) is equivalent to 1 /3 teacher and affects individual class size, caseload and system average proportionately. Three paras are the maximum number that can be used to increase the maximum class size for any special education class.

Note: If children from different programs/delivery models are within the same segment, the class size shall be determined by the program /delivery model with the smallest class size. The caseloads shall be determined by averaging the respective caseloads.

Note: The placement of children with autism, traumatic brain injury, or other health impairments, and significant developmental delays (grades K and above) in the above program areas will not change class sizes.

Note: Children, with an IEP designating the service location for the delivery of goals and objectives to be the regular classroom environment, shall be reported in their special education program category if instruction is provided in a : A. Team/Collaborative Model; or B. Consultative Model.

Georgia Network for Educational and Therapeutic Supports (GNETS)

The Psycho- educational Network, known as The Georgia Network for Educational and Therapeutic Support (GNETS) supports the local school systems' continuum of services for students with disabilities, ages 3-21. Services provided to students who might otherwise require residential or other more restrictive placements due to the severity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD).

If a student at Destinations Career Academy of Georgia has been found to be enrolled in the GNETS program, please notify your lead. Since GNETS has an educational component as does GADCA, no student in a GNETS program may also be enrolled with GCA.

Glossary of Terms

1. Accommodation - Changes in instruction that enable children to demonstrate their abilities in the classroom or assessment/test setting. Accommodations are designed to provide equity, not advantage, for children with disabilities. Accommodation includes assistive technology as well as alterations to presentation, response, scheduling, or settings. When used appropriately, they reduce or even eliminate the effects of a child's disability, but do not reduce or lower the standards or expectations for content. Accommodations that are appropriate for assessments do not invalidate assessment results.

2. ACCESS: Assessing Comprehension and Communication in English State to State for English Language Learners (ACCESS for ELLs) - Is administered annually to all English learners in Georgia. ACCESS for ELLs is a standards-based, criterion referenced English language proficiency test designed to measure English learners' social and academic proficiency in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains.

3. Adult Student - A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004 and Georgia Rule.

4. Age of Majority - The age at which, by law, a child assumes the responsibilities of an adult. In Georgia, the age of majority is 18.

5. Alternate Assessment - An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities, designed by the State and required in lieu of regular statewide assessments, when determined necessary by the child's IEP team.

6. Assistive Technology Device - Refers to any item, piece of equipment, or product system, whether acquired commercially off the shelf or by other means, with/without modification or customization, which is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device. [34 C.F.R. § 300.5]

7. Assistive Technology Service - Refers to any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- a. The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- d. Coordinating and using other therapies, interventions, or services with assistive technology

devices, such as those associated with existing education and rehabilitation plans and programs;

e. Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

f. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, or are otherwise substantially involved in the major life functions of that child. [34 C.F.R. § 300.6]

8. Autism (AU) – Autism spectrum disorder is a developmental disability generally evident before age three that adversely affects a child's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation. Other characteristics often associated with autism spectrum disorder are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior. [34 C.F.R. §300.8(c)(1)(i)]

The term of autism spectrum disorder includes all subtypes of Pervasive Developmental Disorder (such as Autistic Disorder; Rett's Disorder; Childhood Disintegrative Disorder; Asperger Syndrome; and Pervasive Developmental Disorder, Not Otherwise Specified) provided the child's educational performance is adversely affected and the child meets the eligibility criteria. Autism spectrum disorder may exist concurrently with other areas of disability.

9. Babies Can't Wait (BCW) - Provide a coordinated, comprehensive and integrated system of services for infants and toddlers with special needs, birth to 3 and their families. Provide early identification and screening of children with developmental delays and chronic health conditions. Improve the developmental potential of infants and toddlers birth to age 3, with developmental or chronic health conditions.

10. Behavioral Intervention Plan (BIP) - A plan for a child with disabilities, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings.

11. Braille - A tactile system of reading and writing, used by children who have blindness or visual impairments, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.

12. Charter School - Has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA). [34 C.F.R. § 300.7] (In general terms, charter schools are publicly funded elementary or secondary schools that have been freed from some of the rules, regulations, and statutes that apply to other public schools, in exchange for some type of accountability for producing certain results, which are set forth in each charter school's charter.)

13. Child with a Disability - In general,

a. Refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, or deaf-blindness and who needs special education and/or related services. If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability. [34 C.F.R. § 300.8(a)(1) – (2)]

b. A child with a disability aged three through nine (or any subset of that age range, including ages three through five) experiencing developmental delays, may include a child -

- i. Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
- ii. Who, by reason thereof, needs special education and related service. [34 C.F.R. § 300.8(b)(1) – (2)]

14. Consent - means that:

- a. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- b. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- c. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). [34 C.F.R. § 300.9]

15. Core Academic Subjects - Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, art, history, and geography. [34 C.F.R. § 300.10]

16. Georgia Milestones Assessment System (GMAS) - Is a comprehensive summative assessment program spanning grades 3 through high school that measures how well students have learned the knowledge and skills outlined in the state-adopted content standards in language arts, mathematics, science, and social studies.

17. Day; Business Day; School Day -

- a. Day is calendar day unless otherwise indicated as business day or school day.
- b. Business day refers to Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day; school breaks).

c. School day equates to any day, including a partial day that children are in attendance at school for instructional purposes. School day has the same meaning for all children in school, including children with or without disabilities. [34 C.F.R. § 300.11]

18. Deaf and Hard of Hearing (D/HH) - A student who is deaf or hard of hearing is one who exhibits a hearing loss, whether permanent or fluctuating, which interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement. [34 CFR 300.7 (3), (5)]

19. Early Intervention Program (EIP) - Serves students who are at risk of not reaching or maintaining academic grade level. The purpose of the Early Intervention Program is to provide additional instructional resources to help students who are performing below grade level obtain the necessary academic skills to reach grade level performance in the shortest possible time.

20. Elementary School - A nonprofit institutional day or residential school, including a public elementary charter school, which provides elementary education and contains any grade below four and does not contain any grade above grade eight. [O.C.G.A. § 20-2-291(c) [34 C.F.R. § 300.13]

21. Eligibility Team - A group of qualified professionals and the parent(s) of the child, which determines whether the child is a child with a disability and determines the educational needs of the child. [34 C.F.R. § 300.306(a)(1)]

22. Emotional and Behavior Disorder (EBD) - Student who exhibits one or more emotionally based characteristics of sufficient duration, frequency and intensity that it/they interfere(s) significantly with educational performance to the degree that provision of special educational services is necessary.

23. End of Course (EOC) - Serve as a student's final exam in the associated course, and contribute 20% to the student's final course grade in the ten courses designated by the State Board of Education.

24. End of Grade (EOG) - Designed to measure a student's performance on the goals, objectives, and grade level competencies specified in the state adopted content standards in grades 3 through 8.

25. English as a Second or Other Language (ESOL) - A standards-based curriculum emphasizing academic and social language development. ESOL coursework is based upon the WIDA Consortium English Language Development (ELD) standards.

26. Evaluation - Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. [34 C.F.R. § 300.15]

27. Evaluation Report - A summary of evaluation results obtained in the process of collecting information to determine if a child is a child with a disability and the educational needs of the child. The evaluation reports will vary from child to child, depending on the types of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report.

28. Excess Costs - Those costs that are in excess of the average annual per-child expenditure in a LEA during the preceding school year for an elementary school or secondary school child, as may be appropriate, and that must be computed after deducting amounts received under Part B of IDEA, Part A of Title I of the ESEA and Parts A and B of Title III of the ESEA. Any state or local funds expended for programs that would qualify for assistance under any of the parts described in this section but excluding any amounts for capital outlay or debt service. [34 C.F.R. § 300.16]

29. Free Appropriate Public Education (FAPE) - Special education and related services that –

- a) Are provided at public expense, under public supervision and direction, and without charge;
- b) Meet the standards of the State, including the requirements of this part;
- c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- d) Are provided in conformity with an individualized education program (IEP) that meets the requirements IDEA 2004. [34 C.F.R. § 300.17]

30. Functional Behavioral Assessment (FBA) - A systematic process for defining a child's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

31. Georgia Kindergarten Inventory of Developing Skills (GKIDS) - Is a performance-based assessment. The goal of the assessment program is to provide teachers with information about the level of instructional support needed by individual students entering kindergarten and first grade.

32. Homeless Children - Has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq. [34 C.F.R. § 300.19]

33. Hospital/Homebound Instruction Program (HHB) - Is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time.

34. Include - The items named are not all of the possible items that are covered, whether like or unlike the ones named. [34 C.F.R. § 300.20]

35. Independent Education Evaluation (IEE) - If a parent believes a school has not properly evaluated his/her child, the parent is entitled to an IEE at school's expense under certain circumstances. The IEE is an evaluation a parent can request the school to pay for when they disagree with the school's evaluation. It should be paid for by the school but performed by someone NOT associated with the school.

36. Individualized Education Program (IEP) - A legal document that defines a child's special education

program. An IEP includes the disability under which the child qualifies for Special Education Services, the services the team has determined the school will provide, the yearly goals and objectives and any accommodations that must be made to assist his learning.

37. Individualized Education Program Team (IEP Team) - A group of individuals defined in Rule 160-4-7-.06 Individualized Education Program that is responsible for developing, reviewing, or revising an IEP for a child with a disability. [34 C.F.R. § 300.23]

38. Individualized Family Service Plan (IFSP) - A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP is written, if the IFSP meets all the requirements of the IEP. [34 C.F.R. § 300.24]

39. Individual Health Plan (IHP) - Ensures access to an education for students with special health care need whether or not the student is classified as eligible for special education

40. Infant or Toddler with a Disability -

a) An individual under three years of age who needs early intervention services because the individual -

1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
2. Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. [34 C.F.R. § 300.25]

41. Intellectual Disability (ID) - Significantly sub average general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period.

42. Least Restrictive Environment (LRE) - A student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate. They should have access to the general education curriculum, or any other program that non-disabled peers would be able to access. The student should be provided with supplementary aids and services necessary to achieve educational goals if placed in a setting with non-disabled peers.

43. Limited English Proficient - Has the meaning given the term in section 9101(25) of the ESEA. [34 C.F.R. § 300.27]

44. Local Educational Agency (LEA) - A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an

educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law. [34 C.F.R. § 300.28]

45. Manifestation Determination Review (MDR) - is used to determine if inappropriate student conduct was caused by, or had a direct or substantial relationship to the child's disability, or was the direct result of the school's failure to implement the IEP.

46. Modifications - Alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Consistent use of modifications could adversely affect students throughout their educational career. Modifications in Statewide assessments may invalidate the results.

47. Native Language -

- a) When used with respect to an individual who is limited English proficient, means the following:
 - 1. The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in (a) 2. .21 - 6 DEFINITIONS
 - 2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.
- b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication). [34 C.F.R. § 300.29]

48. Orthopedic Impairment (OI) - Students whose severe orthopedic impairments affect their educational performance to the degree that the student requires special education.

49. Other Health Impairment (OHI) - Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

- a. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficient hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
- b. adversely affects a student's educational performance.

50. Parent –

- a) Refers to:
 - 1. A biological or adoptive parent of a child;
 - 2. A foster parent;
 - 3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
 - 4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
 - 5. A surrogate parent who has been appointed.

b) Except as provided in paragraph (c) below, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) to act as the —parent|| of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the —parent.|| [34 C.F.R. § 300.30]

51. Parent Training and Information Center - A center assisted under sections 671 or 672 of IDEA. [34 C.F.R. § 300.31]

52. Part B - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities who are ages 3 through 21. Part B is administered by the Georgia Department of Education and carried out by LEAs and other public agencies.

53. Part C - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities and the early intervention programs for infants and toddlers, ages birth through 2, with disabilities. In Georgia, Part C is administered by the Department of Human Resources, Division of Public Health as the Babies Can't Wait program.

54. Personally Identifiable - Information that contains-

- a) The name of the child, the child's parent, or other family member;
- b) The address of the child;
- c) A personal identifier, such as the child's social security number or student number; or
- d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. [34 C.F.R. § 300.32]

55. Parental Rights - Procedural Safeguards for parents.

56. Regular High School Diploma - In Georgia, a regular high school diploma signifies that a student has met all the necessary requirements for graduation.

Credit Requirements:

To earn a regular high school diploma, students must complete a minimum of 23 credits. These credits are distributed across various subjects:

English: 4 credits

Math: 4 credits

Science: 4 credits

Social Studies: 3 credits

Career/Foreign Language/Fine Arts: 3 credits

Health and Physical Education: 1 credit

Electives: 4 credits

English Requirements: Students must earn at least 4 units of credit in English and language arts.

Among these, they must take courses in ninth-grade literature and composition and American literature and composition. The remaining two credits can be chosen from available courses, including Advanced Placement (AP) options.

Math and Science Requirements: Students are required to earn at least 4 units of credit in mathematics and 4 in science. For mathematics, they can take courses such as mathematics I/II/III, algebra, geometry, and advanced algebra. The final math credit can be chosen from core courses like AP Calculus, differential equations, or pre-calculus and trigonometry.

In science, students must take biology I, and at least 1 credit from physics or physical science, and 1 credit from chemistry, earth systems, or environmental science¹.

Remember, the regular high school diploma is the most common option, but there are also other credentials available for students who may not meet the standard diploma requirements. These include the high school certificate and the special education diploma for students with significant intellectual disabilities

57. Related Services -

a) General. Related services means such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and may include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes.

b) Exception; services that apply to children with surgically implanted devices, including cochlear implants.

1. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

i. Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE;

ii. Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

iii. Prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required.

c) Individual related services terms defined. The terms used in this definition are defined as follows:

1. Audiology includes -

i. Identification of children with hearing loss;

- ii. Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
 - iii. Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
 - iv. Creation and administration of programs for prevention of hearing loss;
 - v. Counseling and guidance of children, parents, and teachers regarding hearing loss; and
 - vi. Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- 2. Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
- 3. Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- 4. Interpreting services includes -
 - i. The following, when used with respect to children who are deaf or hard of hearing:
Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as i.e. communication access real-time translation (CART), C-Print, and TypeWell; and
 - ii. Special interpreting services for children who are deaf-blind.
- 5. Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.
- 6. Occupational therapy – skilled services and interventions provided by a qualified occupational therapist/occupational therapy assistant that includes:
 - i. Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation related to the student's ability to perform school related tasks as independently as possible by evaluating and establishing goals to address deficits in the following areas, as appropriate based on a student's individualized needs: fine and gross motor skills, sensorimotor skills, visual motor/perceptual skills, social integration, activities of daily living, feeding, positioning, and sensory processing and regulation for alertness/attention.
 - ii. Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
 - iii. Preventing, through skilled intervention, initial or further impairment or loss of function.
 - iv. Providing education and training of school personnel to support and monitor occupational therapy programs such as sensory diet, positioning, and feeding.
- 7. Orientation and mobility services –

- i. Services provided to blind or visually impaired children by qualified personnel to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community; and
 - ii. Includes teaching children the following, as appropriate:
 - a. Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
 - b. To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
 - c. To understand and use remaining vision and distance low vision aids; and
 - d. Other concepts, techniques, and tools.
8. Parent counseling and training means:
- i. Assisting parents in understanding the special needs of their child;
 - ii. Providing parents with information about child development; and
 - iii. Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.
9. Physical therapy means services provided by a qualified physical therapist to include:
- i. Improving, developing, or restoring function and participation that have been impaired related to the student's ability to perform educational and related tasks as independently as possible;
 - ii. Physical therapy in school settings supports the purpose of IDEA .21 - 10 to advance "further education, employment and independent living" of children with disabilities and addresses the students' goals for the educational environment.
 - iii. School based physical therapy is a related service provided when it is required in order to assist a child with a disability to benefit from special education as determined by a student's IEP team.
 - iv. Remove this parenthesis: Physical therapy provided in educational environments supports children's ability to function, access, and participate safely in all school environments. Physical therapists address issues involving safe access, balance, strength, motor skills, coordination, ambulation, transfers, safe mobility, and general independence as they relate to tasks required in educational environments. Physical therapists assist in providing equipment for students who need support for posture, positioning, proper structural alignment, class participation, and activities of daily living during school activities. This includes providing consult or training services to teaching staff and other personnel on behalf of students for training and monitoring physical therapy programs and equipment.

v. Prevention, through prompt skilled intervention, initial or further impairment or loss of function and participation.

10. Psychological services includes -

- i. Administering psychological and educational tests, and other assessment procedures;
- ii. Interpreting assessment results;
- iii. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- iv. Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- v. Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- vi. Assisting in developing positive behavioral intervention strategies.

11. Recreation includes -

- i. Assessment of leisure function; .21 - 11
- ii. Therapeutic recreation services;
- iii. Recreation programs in schools and community agencies; and
- iv. Leisure education.

12. Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability. The term also includes vocational rehabilitation services provided to a child with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

13. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

14. Social work services in schools includes -

- i. Preparing a social or developmental history on a child with a disability;
- ii. Group and individual counseling with the child and family;
- iii. Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- iv. Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- v. Assisting in developing positive behavioral intervention strategies.

15. Speech-language pathology services includes -

- i. Identification of children with speech or language impairments;

- ii. Diagnosis and appraisal of specific speech or language impairments;
- iii. Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- iv. Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- v. Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

58. Response to Intervention (RTI) - is based in the general education classroom where teachers routinely implement a strong and rigorous standards-based learning environment. The tiered approach to providing layers of intervention for students needing support requires a school wide common understanding of the Common Core Georgia Performance Standards (CCGPS), timely assessment practices, and appropriate instructional pedagogy

59. Scientifically-Based Research (SBR) - Research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. [Section 9101(37) of ESEA; 34 C.F.R. § 300.35]

60. Secondary School - A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. State law defines —middle school as a school which contains no grade below grade four and no grade above grade eight. State law defines —high school as a school which contains any grade above grade eight. O.C.G.A. § 20-2-291(c). [34 C.F.R. § 300.36]

61. Significant Developmentally Delayed (SDD) - A delay in a child's development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided with special intervention, the delay may adversely affect a child's educational performance in ageappropriate activities. The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age-appropriate activities. The SDD eligibility may be used for children from ages three through nine (the end of the school year in which the child turns nine). [34 C.F.R. § 300.8(b)]

62. Special Education - (a) General.

1. Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including -
 - i. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

2. Instruction in physical education.
3. Special education includes each of the following, if the services otherwise meet the requirements of

(a) 1 —

- i. Speech-language pathology services is considered special education and a related service under State standards; .21 - 13
- ii. Travel training; and
- iii. Vocational education.

(b) Individual special education terms defined. The terms in this definition are defined as follows:

1. At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.
2. Physical education means the development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.
3. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction -
 - i. To address the unique needs of the child that result from the child's disability; and
 - ii. To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.
4. Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to -
 - i. Develop an awareness of the environment in which they live; and
 - ii. Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
5. Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.
6. Vocational and technical education means organized educational activities that offer a sequence of courses that -
 - i. Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers .21 - 14 (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors;
 - ii. May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and
 - iii. Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential; and
 - iv. Includes competency-based applied learning that contributes to the academic

knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual. [34 C.F.R. § 300.39]

63. Specific Learning Disability (SLD) - A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders or environmental, cultural or economic disadvantage.

64. Speech Language Impairment (SI) - A communication disorder, such as stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance. A speech or language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, voice or language. Individuals may demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability or it may be secondary to other disabilities. [34 C.F.R. § 300.8(c) (11)]

(1) Speech Sound Production Impairment (e.g. articulation impairment)- atypical production of speech sounds characterized by substitutions, omissions, additions or distortions that interferes with intelligibility in conversational speech and obstructs learning successful verbal communication in the educational setting. The term may include the atypical production of speech sounds resulting from phonology, motor or other issues. The term speech sound impairment does not include:

- A) Inconsistent or situational errors;
- B) Communication problems primarily from regional, dialectic, and/or cultural differences;
- C) Speech sound errors at or above age level according to established research-based developmental norms, speech that is intelligible and without documented evidence of adverse effect on educational performance;
- D) Physical structures (e.g., missing teeth, unrepaired cleft lip and/or palate) are the primary cause of the speech sound impairment; or
- E) Children who exhibit tongue thrust behavior without an associated speech sound impairment.

(2) Language Impairment – impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance. The term language impairment does not include:

- A) Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
- B) Children who have regional, dialectic, and/or cultural differences
- C) Children who have auditory processing disorders not accompanied by language impairment.

D) Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented speech-language impairment that adversely affects the educational performance for these children to qualify for special education services.

(3) Fluency Impairment - interruption in the flow of speech characterized by an atypical rate, or rhythm, and/or repetitions in sounds, syllables, words and phrases that significantly reduces the speaker's ability to participate within the learning environment. Excessive tension, struggling behaviors and secondary characteristics may accompany fluency impairments. Secondary characteristics are defined as ritualistic behaviors or movements that accompany dysfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include dysfluencies evident in only one setting or reported by one observer.

(4) Voice/Resonance Impairment – interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker's ability to communicate effectively. Voice/Resonance impairment includes aphonia or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual's age and/or gender. The term voice/resonance impairment does not refer to:

A) Anxiety disorders (e.g. selective mutism)

B) Differences that are the direct result of regional, dialectic, and/or cultural differences

C) Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux (e.g. acid reflux of the throat, colds, abnormal tonsils or adenoids, short-term vocal abuse or misuse, neurological pathology)

D) Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child's performance in the educational environment and is amenable to improvement with therapeutic intervention

65. State Educational Agency (SEA) - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools. [34 C.F.R. § 300.41]

66. Student Support Team (SST) - The Student Support Team (SST) is a problem-solving process in every Georgia school. Its purpose is to find ways around roadblocks to success for any student referred to it.

67. Supplementary Aids and Services - Aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for a Free and Appropriate Public Education. [34 C.F.R. § 300.42]

68. Transition Services -

a. A coordinated set of activities for a child with a disability that –

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from

school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

2. Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation.

b. Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. [34 C.F.R. § 300.43] .21 - 15

69. Traumatic Brain Injury (TBI) - An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the student's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, e.g., cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. These injuries may intensify pre-existing problems in these areas as well. Resulting impairments may be temporary or permanent in nature. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma or those resulting from internal occurrences such as stroke, tumor or aneurysm.

70. Universal Design - Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002. [34 C.F.R. § 300.44]

71. Visual Impairment (VI) - One whose vision interferes with functioning in a regular school program or, for preschool-age children, in learning tasks. Examples are students whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. Visual impairment is determined on the basis of a current examination by an ophthalmologist or optometrist.

72. Ward of the State -

a. A child who is a foster child; a ward of the State; or in the custody of the Department of Human Resources.

b. Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent. [34 C.F.R. § 300.45]