



## **Mountain Education**

*"The first choice for a second chance to build a better future through education."*

# **Special Education Manual**

*Revised July 2024*

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**ME Policy and State Rule: 160-4-7-.15 – Georgia Network for Educational and Therapeutic Support (GNETS)**

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The purpose of this manual is to serve as a general resource guide and provide information and guidance regarding policies and procedures for the department of special education and students with disabilities. This manual is designed for in-system use and is not intended to be a comprehensive legal guide. While it may provide answers to many question and familiarize teachers and administrators with programs and goals, it is not intended to state new law or supplant any federal or state laws, regulations, or requirements. This manual does not cover every aspect of each of the Rules for Special Education.

#### **ME Special Education Mission Statement**

**“Moving Mountains for Our Students With Special Needs”**

#### **Area of General Supervision I: Identification Process**

#### **ME Policy & State Board Rule: 160-4-7-.08 – Confidentiality of Personally Identifiable Information**

##### **Confidentiality**

Confidentiality is one of the rights afforded to parents in the Parent Rights document (procedural safeguards). 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 only those with disabilities.

All system personnel, including contracted employees, are governed by confidentiality requirements and receive yearly training and information regarding the law. Training will be provided at least once a year with the Compliance Director modules and/or internal ME professional development videos. Written and dated parental consent must be obtained before personally identifiable information is disclosed to unauthorized individuals, organizations or agencies unless authorized to do so under FERPA.

Personally identifiable information including the following:

- The name of the student, the student’s parents, or other family member
- The student’s address
- Any personal identifier such as the student’s social security number
- 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. The rights of parents regarding education records are transferred to the adult student at age 18.

### **Access rights and Required Procedures**

Each campus will maintain in the student information system electronic files containing students' special education records. The electronic system that contains confidential information is open only to the assigned list of personnel or staff who has access to those files. *Access to confidential records includes campus directors, assistant campus directors, special education teacher(s), special education case managers, special education director, special education coordinators, affiliated service providers (ex. OT, PT, Speech), school psychologist(s), school counselors and general education teachers who have a legitimate educational interest.*

### **Student Records**

For students enrolled in special education any reference to special education status documented in a student's permanent records would place the record under the Individuals with Disabilities Education Act (IDEA) confidentiality requirements. It is mandated that reference to special education status be maintained in a separate supplemental file and not specifically by reference on the student's permanent record. The permanent record indicates that a supplemental file does exist and should be reviewed. Such a designation would indicate to any review that additional information is available and should be considered before drawing any conclusions regarding that student's record. Verbal references to a student's special education program should be carefully restricted only to professional staff working with the student or professional staff working in the interests of the student. There will be no documentation that the student receives special education services on the official transcript, as well.

### **Records Management**

All official **Special Education Records** are maintained locally at each campus's administrative office. All requests for records from transferring schools, Department of Juvenile Justice, parents, Social Security Administration, medical personnel, etc. are handled at each individual ME campus, when the appropriate Release of Information has been provided. The registrar at each campus will work collaboratively with the Special Education Department Head to send special education records to the requesting LEA or agency. Records will be sent to transferring schools as soon as the child withdraws from Mountain Education so that the student can be placed in the appropriate classes and receive appropriate services. After a records request has been received, the special

education records will be sent from the ME campus or the ME Central Office (in extenuating circumstances) within 10 calendar days to the school system or school to which the student has transferred.

The registrar at each school must notify the campus Special Education Department Head/Case Manager immediately when a student enrolls at Mountain Education. Campus Registrars are responsible for obtaining special education records from previous schools. Once records are obtained, the campus registrar and/or special education case manager will place in the student information system secure records for students with disabilities.

### **Amendment of Student Records at Parent Request**

Parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request that ME amend the information. The request can be made to the registrar at each campus who will forward request to Central Registrar. The school system will decide whether to amend the information in accordance with the request within a reasonable amount of time of receipt of the request. If the school system decides to refuse to amend the information in accordance with the request, it will inform the parents of the refusal and advise the parents of the right to a hearing. The system will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

### **Results of Hearing**

If, as a result of the hearing, the school system decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the information will be amended accordingly and the parents will be informed in writing.

If, as a result of the hearing, the school system decides the information is accurate and not misleading or otherwise in violation of the privacy or other rights of the student, the system will inform the parents of their right to place in the records it maintains on the child, a statement commenting on the information and setting forth the reasons for disagreeing with the decision of the school system.

Any explanation placed in the records of the student will be maintained by ME as part of the records of the child if the record or contested portion thereof is maintained by the school system. If the records of the child, or the contested portion thereof, are disclosed by the school system to any party, the explanation will also be disclosed to the party.

### **Parent Consent**

Parental consent is obtained before personally identifiable information is disclosed to other parties unless the disclosure is authorized without parental consent. Prior consent is not required to release information to:

1. Parents or eligible children;
2. Other Mountain Education System officials, including teachers, legally constituted cooperating agencies or other agencies providing shared services whom the system has determined to have legitimate educational interests.
3. Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record, if desired, and have an opportunity for a hearing to challenge the content of the record;
4. Authorized Federal, State or local representatives in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs. (The information is protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to above and must be destroyed when no longer needed.)
5. In connection with a child's application for or receipt of financial aid for which the child has applied or which the student has received, if the information is necessary;
6. State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system;
7. Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. Information may only be disclosed if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed;
8. Accrediting organizations to carry out their accrediting functions;
9. In compliance with a judicial order or a lawfully issued subpoena. The Mountain Education will make a reasonable attempt to notify the child's parents of the judicial order or subpoena before releasing the records, unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena issued for law enforcement purposes and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

10. Disclosure in connection with a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the child or other individuals.

11. The disclosure is information the school system has designated as “directory information” and the school system has given public notice to parents and eligible students of the types of personally identifiable information that the school system has designated as directory information, a parent's or eligible student's right to refuse to let the school system to designate any or all of those types of information about the student as directory information, and the period of time within which a parent or eligible student has to notify the school system in writing that he or she does not want any or all of those types of information about the student designated as directory information.

12. The Office for Civil Rights.

13. Officials within the Department of Human Resources (DHR), Department of Corrections (DOC), Department of Juvenile Justice (DJJ) and Department of Labor (DOL) for the purpose of making appropriate educational decisions regarding placements.

### **Safeguards**

Mountain Education protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The Superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent’s consent is forbidden. All persons collecting or using personally identifiable information will receive annual or more frequent, if needed, training or instruction regarding department policies and procedures concerning personally identifiable information. The system maintains, for public inspection, a current listing of the names and positions of school system employees who may have access to personally identifiable information.

### **Destruction of Confidential Information**

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. In compliance with the Individuals with Disabilities Education Act (IDEA) the Mountain Education Special Education Department destroys special education records at the end of the school year the student turns 22 years of age with the exception of adding the most current Psychological and Eligibility report to the student’s permanent record file. Data collected, maintained, or used in the provision of a free and appropriate education of students with disabilities, are no longer needed for the educational purposes after this age. Prior to the destruction of records, notice will be placed on the ME website. For more information, the Special Education Director should be contacted.

## **State Rule: 160-4-2-.32 – Student Support Team**

### **Requirements for Local School Student Support Team (SST)**

An SST team is required by federal judicial order to be in every public school in Georgia. SSTs are a joint effort of general and special education to identify and plan alternative instructional strategies for students prior to or in lieu of a special education referral. Prior to consideration for special education referral, non-special education options should be considered, interventions used, documented, described, and discussed at the special education placement meeting.

SSTs originated in a federal lawsuit known as Marshall vs. Georgia (1984), which dealt primarily with disproportionate placement of minority students in Special Education. While the state prevailed in this case, a shortcoming in Georgia schools became obvious – *There was no standard process for students to obtain individualized help in the **general education classroom** for learning or behavior difficulties. Instead, the route to such help usually led to placement in Special Education, often involving removal from the general education classroom.*

As part of its commitment to federal court to remedy technical violations found in the trial, the State of Georgia mandated that a Student Support Team would be established in every Georgia public school, K-12. The court accepted this commitment, thereby making the SST mandate a permanent injunction. The primary intent of the mandate was *to prevent inappropriate referrals to special education.*

Requirements for SST come from two places: State Board rule (160-4-2-.32) and local school system policies, which comply with and may elaborate on the state rule.

### **Student Evaluation**

A Student Support Team (SST) is an interdisciplinary group that uses a systematic process to address learning and/or behavior problems of students. It is comprised of members whose purpose shall be to collaboratively problem-solve for individual students who are not making adequate progress at ME. SST recommendations, which include a specific academic and/or behavior plan, are documented and provided to the student's teacher(s) and/or others to implement with the student. The team then meets periodically to review the student's progress and determine the need for continuing, modifying, or concluding the intervention. Students may be referred to SST by teachers, parents, campus administrators, student services staff, etc.

Campus SST Chairs will gather and bring the following information to review at the first meeting:

- Georgia Longitudinal Data System (LDS) records

- Standardized Test Record
- Transcript
- Hours/Credits Report
- Academic Progress
- Mentor Log
- Prior SST Records

Each campus shall establish a regular, monthly meeting date and time to review active referrals. Meetings must be held at least monthly. All new referrals and all follow-ups on past referrals will be reviewed on that day.

**SST Members**

The SST shall include a minimum of three members, two of which must be ME employees, as appropriate to the needs of the student, potentially including:

- Student Services Representative
- Campus Administrator
- Parent(s)
- Student
- Mentor
- Special Education Teacher
- ESOL Teacher
- School Psychologist
- Social Worker
- Special Education Representative

**Parents/Guardian Participation**

Parents/guardians are invited to participate in all Student Support Meetings and in the development of interventions for their child.

**Steps of the SST Process**

Six-Step Process:

1. Identification of needs
2. Assessment, if necessary
3. Educational plan documented in SST Minutes
4. Implementation documented on Classroom Documentation form
5. Follow-up and support
6. Continuous monitoring and evaluation

**Documentation of the SST/MTSS Activities**

- Student's name
- Names of team members

- Meeting dates
- Identification of student learning and/or behavior problems
- Any records of assessment
- Educational plan and implementation results
- Follow-up and, as appropriate, continuous evaluation

Requests for a student in the SST process may include curriculum modification, individual tutoring, learning style assessment, behavior management techniques, achievement evaluation, home-school communication, or study skill assistance.

Mountain Education SST Teams will use a Multi-Tiered System of Supports (MTSS).

A multi-tiered system of supports (MTSS) is a proactive and preventative framework that integrates data and instruction to maximize student achievement and support students social, emotional, and behavior needs from a strengths-based perspective. MTSS integrates data and instruction and intervention within a school wide, multilevel prevention system to maximize student achievement and reduce behavior problems.

The MTSS is described on the “MTSS Process” page below, and will document classroom interventions and systems of support(s) on the “MTSS Classroom Documentation” form that follows.

**Exceptions to the SST Process**

Exceptions to the SST Process may result from occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through Response to Intervention (RTI)/Student Support Team (SST) processes. The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration.

**Mountain Education Multi-Tiered System of Supports**

For additional information from the DOE, see:

<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Response-to-Intervention.aspx>

**Tiers of Intervention**

4	Consider referral to Special Education
3	In addition to Tier 2 with Interventionists,

	<ul style="list-style-type: none"> <li>• Increase progress monitoring up to daily interventions <ul style="list-style-type: none"> <li>◦ Teach, assess, document weekly</li> </ul> </li> <li>• Pull reports weekly for active time and progress</li> <li>• Begin to administer probes and collect data points</li> </ul>
2	<ul style="list-style-type: none"> <li>• Interventionists begin progress monitoring weekly <ul style="list-style-type: none"> <li>◦ Teach, assess, document</li> </ul> </li> <li>• Create short and long-term goals with the student</li> <li>• Frequently monitor student to ensure the goal is met <ul style="list-style-type: none"> <li>▪ If not, sit with the student and begin explaining material, whether they ask for the help or not.</li> </ul> </li> <li>• Limit student breaks as appropriate</li> <li>• Parent contact: Communicate issues with parents and document in Student Information System</li> <li>• Help students pace for break, end of night, end of week and more lengthy breaks to prevent sense of defeat when they come back and have to start over. (For example, no student should leave for spring break with only a post-test to complete in a unit.)</li> <li>• Utilize the read-aloud feature on the computer</li> <li>• Students should not be taking a quiz or post-test an excessive amount of times (more than 3). Please help a student remediate when they fail a post test and don't unlock the test until you feel they can be successful.</li> <li>• Work with students to develop good note-taking skills.</li> <li>• Go over missed questions from post-tests.</li> <li>• Reset lessons within GradPoint units, so they have to retake those quizzes.</li> <li>• Use mini-lessons.</li> <li>• Small group or one-on-one</li> <li>• Utilize a paraprofessional, who can: <ul style="list-style-type: none"> <li>• Sit with a student and keep them on task</li> <li>• Escort a student to the restroom, front desk, etc.</li> <li>• Read aloud</li> </ul> </li> </ul>
1	ME environment with embedded flexibility and supports and mentoring system.



## Mountain Education MTSS/ RTI Classroom Documentation

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Course	Time in Course	% Completed	Grade
<b>General Nightly Goal:</b>			
<b>Monthly Goal:</b>			
<b>Documenting teacher:</b>			

Date	Nightly Goal Met?	Parent Contact?	Interventions
	Y N	Y N	A. One-on-one tutoring B. Limit student breaks C. Helped pace for breaks D. Read aloud (computer or person) E. Helped them take notes F. Remediated post test G. Other - please state
	Y N	Y N	
	Y N	Y N	

	Y N	Y N	
	Y N	Y N	
	Y N	Y N	

**ME Policy & State Rule: 160-4-7-.03 – Child Find Procedures**

**Notification**

Child Find is a process that districts use to identify, locate, and evaluate all children, in the district, birth through 21, who are suspected of having disabilities that may result in a need for special education and related services. Districts must have policies and procedures in place to ensure the identification, location, and evaluation of these children; and public notification must be given before any significant Child Find activities are implemented.

Mountain Education completes Child Find responsibilities in a variety of ways. ME announcements through local media and website, through parent or student request, and our SST/MTSS process are some of the ways.

Mountain Education operates under a statewide attendance zone, but predominantly serves students from the counties in which campuses are located, along with adjacent areas. To ensure that current and potential students and their families have knowledge regarding ME compliance with U.S. IDEA regulations and support for all students with disabilities, we will publish an annual notice in the legal origin of all counties in which we operate campuses in the late summer, ahead of each academic year. This is the responsibility of the Director for Special Education who receives assistance with this process from the Special Education Administrative Assistant. Currently, legal origins in these counties include:

County	Newspaper	Ph #	Cell #	Email
Banks	Banks News Today	706-367-5233		ads@mainstreetnews.com
Chattooga	The Summerville News	706-857-2494		<a href="mailto:thesummervillenews@gmail.com">thesummervillenews@gmail.com</a>
Cherokee	Cherokee Tribune	770-479-1441		<a href="mailto:gtanner@cherokeetribune.com">gtanner@cherokeetribune.com</a>
Dawson	Dawson County Advertiser	706-265-3384		<a href="mailto:jlyness@dawsonnews.com">jlyness@dawsonnews.com</a>
Fannin	News Observer		706-969-5294	<a href="mailto:heatherleighhowell@gmail.com">heatherleighhowell@gmail.com</a>
Forsyth	Forsyth County News	770-887-3126		<a href="mailto:rgarmon@forsythnews.com">rgarmon@forsythnews.com</a>
Franklin	Franklin Families	762-499-7922		Brad Spauling
Gilmer	Times Courier	706-635-4313		<a href="mailto:kathyaker@timescourier.com">kathyaker@timescourier.com</a>
Habersham	Northeast Georgian		706-969-5294	<a href="mailto:heatherleighhowell@gmail.com">heatherleighhowell@gmail.com</a>
Hall	The Times	770-532-1234	770-535-6371	<a href="mailto:mlewis@gainesvilletimes.com">mlewis@gainesvilletimes.com</a>
Hill Center	Forsyth County News	770-887-3126		<a href="mailto:rgarmon@forsythnews.com">rgarmon@forsythnews.com</a>
Lumpkin	Dahlonega Nugget		706-969-5294	<a href="mailto:heatherleighhowell@gmail.com">heatherleighhowell@gmail.com</a>
Murray	Chatsworth Times	706-695-4646		<a href="mailto:bekah.jordan@chatsworthtimes.com">bekah.jordan@chatsworthtimes.com</a>
Pickens	Pickens County Progress	706-253-2457		<a href="mailto:mpool@pickensprogressonline.com">mpool@pickensprogressonline.com</a>
Rabun	Clayton Tribune		706-969-5294	<a href="mailto:heatherleighhowell@gmail.com">heatherleighhowell@gmail.com</a>
Stephens	Toccoa Record		706-969-5294	<a href="mailto:heatherleighhowell@gmail.com">heatherleighhowell@gmail.com</a>
Union	North Georgia News	706-745-6343	706-745-4069	<a href="mailto:ngnews@nganews.com">ngnews@nganews.com</a>
White	Telegraph	706-865-4718	706-531-4056	<a href="mailto:ttucker@cninewspapers.com">ttucker@cninewspapers.com</a>

### **Screening & Referral**

Child Find provides for screening and evaluation of all children with suspected disability ages 3-21 including: Children birth through age three.

- Preschool children, ages 3-5
- Children enrolled in the LEA schools including public charter schools
- Children who are suspected of being children with disabilities and in need of special education services, even though they are progressing from grade to grade
- Highly mobile children, including migrant children

*Children in the following situations will be referred to the school district in which they reside:*

- Children who are detained or incarcerated in jails or correctional facilities
- Children who reside in the LEA and are enrolled in home school/study programs
- Parentally-placed private school children, including religious, elementary and secondary schools

Prior to a referral to special education, the screening of children to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education and related services, but will aid in the decision-making process.

A referral may be made by anyone who has a concern about a child's development. All referrals are considered confidential. Parent(s) have the right to refuse services. All staff at ME is trained annually on the Child Find Rule and Procedures.

Upon registration (completed online via mymec.org website or via hard copy at any ME campus), a student and parent/guardian are provided with a registration form that requests information regarding prior participation in program areas that include Special Education.

- In addition, the Registrar and/or Special Education Admin. Assistant surveys records in the State Longitudinal Data System and GUIDE to ensure that every entering student is served for Special Education that has been identified in prior systems.
- Refers to Special Education Director as needed.

Children may be referred by any of the following:

- Parents/legal guardians/foster parents
- Other family members
- Physicians/health care providers
- School system personnel (MTSS/SST Process)
- Community agencies
- Private school personnel
- Others who are concerned about a child's development

Before a student should be referred for special education and related services, a student must have received scientific, research or evidence based interventions selected to correct or reduce the academic, social or behavioral problem(s) the student is having.

### Parent Request Procedures

Parents may suspect their child has a disability and is need of special education services. They should be directed to contact the school and express their concerns to the student's teacher or school administrator. The following procedures should be followed:

- Parent makes a written request to the school, teacher, or principal. The request is sent to the campus principal.
- The campus principal discusses the request with the parent. The parents are given the parent letter indicating the type of request being made along with parent input form. Parental rights are given and explained.
- Parent completes the parent input form and signs the parent letter and returns them to the campus principal.
- Campus Principal gives the parent letter to Special Education Department Head who contacts the Special Education Director.
- The school district student support team reviews the request and all relevant information regarding the student to determine if the request for special education evaluation and eligibility consideration is accepted or not accepted.
- If the request is accepted, the Sped. Department Head will send a letter to the parent along with parental consent for evaluation form, evaluation instruments description, and parent rights. All students will be evaluated and eligibility determined within 60 calendar days of parental consent.
- Within 24 hours of the campus receiving the consent form, the special education department head will scan and send to Special Education Director.
- If the request is not accepted, the Special Education Director will provide a letter and prior written notice to the parent indicating the information reviewed and why the system is denying the request and other options the system is recommending or offering along with a copy of parent rights.
- If the parent disagrees with the system's decision, the parent has the right to request a due process hearing.
- Parents should contact the Special Education Director to request a due process hearing.

*All ME faculty and staff will be trained annually by Compliance Director modules and internal Mountain Education professional development on Child Find Procedures. The Special Education Director will review referral documentation on all referrals to ensure that procedures are being followed.*

#### Private and Home School Child Find Procedures

Child Find applies to children with disabilities parentally-placed in private schools or home schools. They are not entitled to a free appropriate public education (FAPE), but districts will provide services based on a proportionate share of federal funds. If a child is suspected

of having a disability that is parentally placed in a private school or home school and needs evaluation for special education and eligibility consideration, the Special Education Director should be contacted.

**Multi-tiered System of Supports(MTSS):**

To comply with the Child Find requirements for children in 9th through 12th grades, Mountain Education uses Georgia’s Multi-tiered System of Support for Students, a framework developed by the Georgia Department of Education. It is expected that all teachers will seek ways to meet the unique educational needs of all children within the general education program by using this multi-tiered system of support. Under the framework of Georgia’s Tiered System of Supports for Students, Response to Intervention (RTI) and Student Support Teams (SST) are a part of the MTSS process. This framework integrates instruction and intervention, e.g., Positive Behavioral Interventions and Supports (PBIS), Response to Intervention (RTI), Student Support Team (SST), Student Mental Health (SMH), Wraparound Services, etc. delivered in levels of prevention, through interventions that vary in intensity based on individual student need.

A Multi-Tiered System of Supports is a framework that:

- Incorporates 5 essential components (Screening, Benchmarking, Progress Monitoring, Diagnostic Data, Fidelity)
- Is data driven
- Includes a team approach
- Supports ALL students in learning
- Is considered best practice for teaching and learning

Any Special Education Referral must be accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate rate of progress.

Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction. The exception noted should be an infrequent and rare occurrence, and the circumstances evidencing the need for the LEA’s use of the exception must be clearly documented in the eligibility decision.

**ME Policy & State Rule: 160-4-7-.04 – Evaluations and Reevaluations**

**Initial evaluation referral process**

A student is typically referred for an evaluation by a Student Support Team (SST) when there is sufficient documented evidence to suspect that a disability may be the cause of the student’s learning or behavior problem(s). This usually occurs after appropriate interventions in the general education classroom have failed to find a satisfactory solution.

A parent may also make a written request for an evaluation. The school district will convene an SST meeting and consider the evaluation request and make a final decision at that SST meeting. All students will be evaluated within 60 calendar days of receiving the parental consent to evaluate.

**NOTE:** There are occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through MTSS/SST/Response to Intervention (RTI) processes. The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration.

### **Time frames for evaluation**

Once the signed Consent for Evaluation form is received, the evaluation process will be completed no later than 60 calendar days. If the Consent for Evaluation is received 30 days prior to the end of school, a different timeline is followed based on the Georgia Department of Education timeline rules. Holiday periods and other circumstances when children are not in attendance for five consecutive school days are not counted toward the 60- calendar day timeline, including the weekend days before and after such holiday periods, if contiguous to the holidays. The summer vacation period in which the majority of teachers are not under contract is not included in the 60-day timeline for evaluation. However, the school system is not prohibited from conducting evaluations over a summer vacation period.

### **Exceptions:**

The timeframe described above does not apply if:

1. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
2. A child enrolls in a school of another school system after the relevant timeline has begun, and prior to a determination by the child's previous school system as to whether the child is a child with a disability. The exception applies only if the subsequent school system is making sufficient progress to ensure a prompt completion of the evaluation and the parent and subsequent school system have agreed to a specific time when the evaluation will be completed.
3. If extenuating circumstances, e.g., illness, unusual evaluation needs, or revocation of parent's consent for evaluation affect this timeline, Mountain Education will document the exceptions.

### **Parental Consent**

- A designated school staff member will schedule a “Final SST” meeting with parents, psychologist, administrator, and teacher(s).
- The SST must be sure to include documentation of interventions attempted, observations, and any assessment results.
- If the SST committee agrees to refer the student for psychological evaluation to assist with determining eligibility for special education services, the SST completes the referral for special education form.
- The special education teacher and/or case manager will obtain required information for evaluation and will submit the referral packet to Special Education Director.
- The Special Education Department Head or Sped. Case Manager will review and place the information in the Student Information System (SIS).
- The referral to Special Education is made through the Student Information System (SIS).
- A trained Special Education Department Head or Sped. Case Manager at each campus enters the initial referral data into the SIS and sends the Permission to Evaluate form for parent signature.
- Accompanying the Parental Consent for Evaluation form will include a list of areas to be assessed, Parent Rights in Special Education, and a Parent Questionnaire.

#### **Reevaluation Review Process:**

A reevaluation process review, consistent with federal and state statutes and regulations, is required for special education students at least once every 3 years, unless the parent and school system agrees that reevaluation is unnecessary. The 60-day timeline only applies to the initial evaluation. *If eligibility is due within the next twelve months or by the end of the next school year that the IEP covers, (for example, if the IEP is due in August of 2020 and eligibility is due April 2021 you would complete the reevaluation review process at the August meeting) be sure to schedule in the SIS the meeting as a reevaluation review and annual review. Be sure to gather all data needed to address reevaluation needs.* The purpose of the reevaluation review process is to decide if further information is needed to determine if a disability continues to exist, to establish present levels of performance, or to determine where the student continues to need special education and related services. If the IEP/reevaluation committee determines that no additional information is needed, the committee can proceed with continuing eligibility. *The date of the new eligibility is the date of the reevaluation process review meeting where the decision was made not to conduct further testing for eligibility determination.*

If additional information is determined to be needed, the committee determines which assessments are needed to provide this information. *The Reevaluation Review Form is completed to indicate that the student’s eligibility will continue during the interim time and that additional evaluation data is necessary to reconsider eligibility.*



Reevaluations may be requested by any member of the IEP team prior to the triennial due date. Some of the reasons for requesting early reevaluations may include:

- concerns, such as lack of progress in the special education program,
- the acquisition by an IEP team member of new information or data, or
- review and discussion of the student's continuing need for special education (i.e., goals and objectives have been met and the IEP team is considering the student's exit from his/her special education program)

Depending on the child's needs and progress, the reevaluation review may not require the administration of tests or other formal measures. However, the IEP team must thoroughly review all relevant data when determining each child's evaluation needs.

Teams may consult with and include the School Psychologist in the reevaluation process review. If the team decides an evaluation which includes testing is appropriate, the following procedures are followed:

- Provide copy of Parent Rights
- Referral to the local health department for hearing/vision screening (obtain parent consent for H/V and provide form to give the health dept. for billing purposes)
- Obtain parental consent to evaluate
- Complete Referral for Evaluation Packet
- Obtain Case History (completed by parent)
- Provide other documentation, if applicable

Once the reevaluation has been completed by the school psychologist, the case manager will be noticed and he or she will then contact the parent to schedule a meeting to review results and to develop a new Eligibility Report. The assigned Sped. Regional Coordinator or the Sped. Director will be invited to attend all eligibility meetings. If appropriate, the current IEP will be amended to reflect the new eligibility results, additional goals and objectives, etc., with vital information supplied in the Meeting Minutes section of the IEP. The date of this IEP/Eligibility meeting will become the new eligibility date. Copies of all paperwork will be provided to the parent and uploaded to the SIS.

Note: If a parent refuses consent for reevaluation ME can determine, based on the current data and other information, that the student either continues or does not continue to be eligible.

Senior evaluations are conducted in the following instances:

- Student is on track to graduate (passed all required examinations and has adequate credits)
- Student has applied and been accepted to a post-secondary setting
- Student will require accommodations in that setting

### **Comprehensive Evaluations(Initials/Reevaluations)**

Mountain Education conducts a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. A comprehensive evaluation is also completed when the ME IEP team determines through a Re-evaluation Review of existing data that a comprehensive evaluation which includes assessment is needed for additional data and is in the best interest of the student. Evaluation of a student is also required in other circumstances, such as when it is suspected that the student no longer has a disability under the Individuals with Disabilities Education Act (IDEA), or may have a disability not addressed by the student's current finding of eligibility.

When a referral for special education evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. The team may consist of the ME contracted psychologist assigned to that particular campus, contracted speech-language pathologist, occupational therapist and or physical therapist, other contracted providers such as DHH or VI teachers, parents, and others as appropriate to the evaluation. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. The parents (and student if 18 year or older) will be asked to provide input during the evaluation process as their information is crucial to developing the total picture of the whole child. General education teachers, special education teachers/special education case managers, are also a part of the eligibility determination team and are considered qualified professionals as well.

In conducting an evaluation, Mountain Education uses a variety of appropriate tools and technically sound instruments to assess the relative contribution of cognitive, emotional, and behavioral factors, in addition to physical or developmental factors. Evaluation tools are administered by trained and knowledgeable staff, including a contracted psychologist. Existing data is reviewed and if needed, additional data is gathered.

The district selects assessments and other evaluation materials are based on the following criteria:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis,
- Are provided and administered in the child's native language or other mode of communication and in the format most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer,
- Are used for purposes for which the evaluations or measures are valid and reliable,
- Are administered by trained and knowledgeable personnel, and
- Are administered in accordance with any instructions provided by the producer of the assessments

Before special education or related services can be provided to a student with a disability, the District must conduct a comprehensive evaluation based on the determined scope of the assessment to address all areas of suspected disability. The purpose of this evaluation is to determine whether the student is eligible for special education services and, if so, to determine the student's special educational programming and services to meet their individual needs.

When a parent disagrees with an evaluation conducted by Mountain Education, the parent has the right to request ME fund an independent educational evaluation (IEE). The School System must agree to pay for the independent evaluation or begin due process procedures to show that the district's evaluation is adequate. A parent requesting an independent evaluation for his/her child should be referred to the Special Education Director.

### **Evaluation Procedures**

- Submit request to health department for hearing and vision screening if not current within one year (The ME school nurse can assist with H/V screening as needed)
- Analyze Interventions or Implement Interventions if not in place (*initial referrals*)
- Student Support Team Minutes (*initial referrals*)
- Intervention Strategies/Progress Monitoring
- Review Other Data including the Permanent Record, Current Classroom assessment and progress, Results of Statewide Assessments, Attendance Data, Disciplinary History
- Complete Classroom Observations
- Interview Current and/or Previous Teachers
- Interview Parent and/or Student
- Review Previous Data (other previous or independent evaluations, medical reports, information from previous schools)
- Review Questionnaires and/or Forms from Respondents
- Special Education Case Manager/SPED Department Head/ SPED Regional Coordinator/Campus Administrator review referral packet
- Once packet is approved, the Special Education Case Manager uploads information in the SIS
- The SPED Case Manager or Sped. Dept Head notifies the Special Education Director via email that the packet is complete and he or she signs the referral packet once reviewed for accuracy and completion.
- Receive Signed Consent for Evaluation for Special Education Services from the parent
- Signed consent form is sent to the Special Education Director
- Contracted Psychologist will be contacted by the School Special Education Director via email to initiate testing

- Psychologist will conduct a comprehensive evaluation (within 60 calendar days of the consent for evaluation for initial referrals) that provides sufficient data to determine whether the student is a student with a disability; document how the disability affects the student's academic and/or behavioral performance in school; and provide appropriate information for the development of an IEP, if eligible
- After the evaluation is complete the psychologist will notify SPED Case Manager and request eligibility meeting to be scheduled within ten calendar days of the completion of the evaluation
- SPED Case Manager, will schedule meeting with parents, teachers, student, special education regional coordinator and/or sped. director, psychologist, counselors, and administrators within ten calendar days of the completion of the evaluation
- SPED Case Manager will send notification of meeting to parents and confirm meeting date/time with involved parties
- Write/Complete Eligibility Report (regardless of whether or not the student is eligible) and upload in SIS
- If eligible, an IEP will be written by SPED Case Manager within 30 days of the eligibility meeting

### **Sped Referral Packet Requirements:**

\_\_\_\_ **Student Support Team Minutes:** for initial referrals (in most cases, there should be minutes from several RTI meetings) or Reevaluation Process Review Form for reevaluations.

\_\_\_\_ **Progress Monitoring** :*(For initial referrals)* Complete the Progress Monitoring Graph. Be sure to include baseline and pm data. Be sure to document the specific area(s) of concerns as well as the specific interventions that are implemented. Also, document when interventions are changed.

*(For reevaluations requiring assessments)* Complete the Summary of Progress Monitoring Data Toward Achieving Standards form. Be sure to include the methodologies/interventions and at least four data points for each IEP goal.

\_\_\_\_ **Hearing and Vision Form:** Please be sure to note on the form whether or not the child was wearing glasses or a hearing aid when the screening was conducted.

\_\_\_\_ **Classroom Observation:** These should come in with every referral (if it is an SLD referral, submit an academic observation in the area of suspected weakness. If it is an EBD referral, submit a behavioral observation. Use the same Classroom Observation form for both).

\_\_\_\_ **Work Samples:** These should also come in with every referral packet (for SLD referrals, submit work samples in the child's area(s) of weakness).

\_\_\_\_ **Student History Form:** Document the date(s) you sent these forms to the parent, but do not wait on submitting the referral if this form is not returned from the parent.

\_\_\_\_ **Behavior Rating Scales:** For students with EBD, OHI, and Autistic eligibility referrals (request from the psychologist).

\_\_\_ **Discipline Reports and 10-Day Anecdotal Record of Behavior:** Submitted for all EBD and OHI (due to ADHD) referrals, and all referrals in which there is a behavior concern.

\_\_\_ **Medical Documentation:** For initial OHI and OI referrals. *(For re-evaluations, a current form is preferable; however, if you are unable to obtain one, we are now able to use the old form).*

\_\_\_ **Report Cards:** for the previous and current school year.

\_\_\_ **Copy of the most recent test results** (i.e., ITBS, CRCT, GAA, WIDA, GA Milestone EOG or EOC Assessments).

\_\_\_ **Attendance Information:** Print off attendance report from IC for the current year.

\_\_\_ **Parental Consent for Evaluation:** Make sure the parent checks yes and dates the form. Record the date that your campus received the signed consent to evaluate form. This is very important since our timeline begins with this date of receipt. Also, be sure to provide the parent with a list of tests (contact your psychologist if you need this).

### **Determination of Eligibility**

Students' ages three through twenty-one years of age may be determined eligible for twelve Special Education Categories. Every student placed in Special Education must first be determined eligible for services by the Individual Education Program (IEP) team.

If the student **does not meet eligibility** for a special education program, regular education options are discussed, and the student is referred back to the Student Support Team for follow-up and continuing interventions, as needed.

If the student meets eligibility requirements an initial eligibility meeting will be held within the 60-day timeline. If the parent is not present, the student's case manager will send the parent a copy of the eligibility report, the IEP, psychological report, parental rights and Consent for Placement form by mail for review and signature, following up with a telephone call to insure understanding.

### **Notice of Eligibility/IEP Meeting**

The parents must be notified of the proposed date, time, and location of an Eligibility/IEP meeting to give them sufficient time to plan to attend or contact the school to reschedule the meeting. The case manager will set up the eligibility meeting within ten calendar days of the completion of the evaluation, and the school will send home formal notice of the meeting. The school system must give the parents every opportunity for a convenient, mutually agreed upon meeting time as well as the option to reschedule so that the parents may attend.

### **Eligibility Meeting**

Once the comprehensive evaluation is completed, an eligibility meeting will be scheduled within ten calendar days of the completion of the evaluation. The eligibility team will

determine if the student is eligible for special education services. The eligibility meeting provides an opportunity for all parties involved in the education of the student to meet to review the data and provide input to determine if the student meets eligibility requirements as indicated in the state special education rules. The parent is included on the team and is provided a copy of the evaluation report at no cost as well as a copy of the eligibility report/decision. *The law does not require that the parent be provided with a copy of the evaluation report prior to the eligibility decision.* If there is no report from an evaluation specialist, such as the psychologist or speech language pathologist, then the eligibility report serves as the evaluation report providing that it is comprised of the following data: student identifying information, case history, hearing and vision screening, summary of interventions, summary of progress monitoring, area of difficulty, tests results, individual student data, exclusionary factors, decision-making for eligibility, summary of considerations, determination of eligibility and eligibility information. The eligibility report is the documentation that verifies if the student is or is not eligible for special education services.

If the parent did not attend the meeting where eligibility and placement were decided, the date for initiation of services on the IEP must be at least 10 days from the date of the IEP meeting to allow proper notice and opportunity for the parent(s) to respond (assuming the parent agrees to the placement and signs the Consent for Placement form).

### **Individualized Education Program (IEP) Developed**

*A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.*

An IEP is required for each student that is eligible for special education and is reviewed at least annually. For initial referrals, the IEP must be developed within 30 days of the initial eligibility meeting if the student is found to be eligible for special education services. The IEP is developed to meet the special needs of the student as identified by the assessments, observations, and other data collected during the referral process. The IEP is developed after the student is determined eligible for services. Once the IEP is developed, the parent must sign consent for placement for special education services prior to implementation of the IEP.

### **Exclusionary Factors**

Exclusionary factors are considered in eligibility determinations. Each factor is considered for its impact or lack of impact on educational progress. The explanation describes why or why not a factor has influenced educational progress. Once the factors have been addressed, the team refers to the responses and to the eligibility criteria for each disability category.

Mountain Education utilizes the following guidance from the Georgia Department of Education when addressing each exclusionary factor:

- Lack of appropriate instruction in reading, math and written expression. The Eligibility Team discusses: Did the child have access to quality instruction and research-based curricula?
- Limited English Proficiency. It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the child suspected of having a disability if the child being evaluated is an English Language Learner. A language profile for this child is necessary so that it specifically investigates the language proficiency in both the primary language and English.
- Cultural Factors. A child's culture should not be a determinant factor of a disability. ME obtains pertinent cultural information by interviewing key family members. All results obtained are then interpreted in relation to the child's dominant cultural influences.
- Environmental or economic disadvantage. A child's environment or economic disadvantage should not be a determinant factor for determination of a disability. The committee thoroughly examines family stressors that may be impacting educational progress to include homelessness, unemployment, extended illnesses, death in the family, divorce, pre-school experiences, lack of books in the home or expectations of the family for the child.
- Atypical education history. The team discusses if the child has elevated levels of mobility and/or absenteeism which may have influenced the educational progress of the child.
- Visual, hearing, or motor disability. The committee analyzes information to rule out as source of difficulty when determining specific disabilities.
- Mutism, tongue thrust and dialectic. Mutism, tongue thrust behavior without associated speech sound impairment, and dialectic differences cannot be a speech language disorder. The committee analyzes information to rule out as source of difficulty when determining specific disabilities.

### **Parental Consent for Placement**

If a student is determined eligible for special education and an IEP developed, the parent must sign parental consent for placement before services/IEP can be implemented.

*Parental Consent for Placement is only required to be signed for initial placement in special education.* After the initial IEP is developed, the parent MUST sign the Parental Consent for

Placement form indicating whether or not they agree to placement to receive special education and related services. If the parent is present at the initial IEP meeting, the team should obtain the parent's signature at the end of the meeting. If the parent is not present, the case manager will send the parent a copy of the eligibility report, the IEP, psychological report, parental rights, and parent consent for placement form by mail for review and signature. If the parent does not attend, the date for initiation of services must be at least 10 days from the date of the IEP meeting to allow proper notice and an opportunity for the parent to respond and return the parent consent for placement form. If the parent agrees to consent for placement, the IEP will be implemented on the start date. If the parent does not agree for services, the IEP will not be implemented.

### **Special Education Dismissal**

A comprehensive evaluation is required prior to dismissing a student from special education and should be conducted when it is suspected that the student no longer has a disability under IDEA. Of course, a parent/student (if 18 years or older) can choose to revoke their consent for special education services at any time. An IEP team meeting will be held to discuss revocation of services and to document this process.

## **State Rule: 160-4-7-.05 – Eligibility Determination and Categories of Eligibility**

### **Definitions for areas of disability for children aged 3 to 21:**

#### **CATEGORIES AND SUMMARIES OF EVALUATION INFORMATION REQUIRED FOR ELIGIBILITY**

### **AUTISM SPECTRUM DISORDER (AUT)**

#### **Definition:**

“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. 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(ASD) 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.

Eligibility shall be based on assessment of the five characteristic areas associated with Autism Spectrum Disorder. The assessments shall minimally document that each of the characteristic areas of (1) developmental rates and sequences, (2) social interaction and participation and (3) verbal and non-verbal communication are affected.

**Summary of Evaluation Information Required for Eligibility:**

1. **Comprehensive psychological evaluation-** to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.
2. **Educational Evaluation-** to include an assessment of educational performance and current functioning levels.
3. **Communication Evaluation-** to include assessment of verbal and non-verbal communication, prosody, and pragmatic language utilizing both formal and informal measures.
4. **Behavior Evaluation-**to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with ASD.
5. **Developmental History-** to include developmental differences and delays and age of onset, which is typically before the age of three.

**Deafblind**

**Definition:**

"Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness." [34 C.F.R. § 300.8(c)(2)]

**Eligibility and Placement:**

1. For a child to be determined eligible for placement in special programs for the deafblind, the child shall have current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals.

2. Children who are deafblind may receive educational services in classes with other disabled children; however, the class-size ratio for deafblind shall be maintained.

**Additional Requirements:**

Each child who has been diagnosed as Deafblind shall be reported in the Georgia Deafblind Census.

**Deaf/Hard of Hearing (D/HH)****Definition:**

“A child who is deaf or hard of hearing is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement and, therefore, adversely affects a child’s educational performance.” [See 34 C.F.R. § 300.8(c)(3) & (5)]

1. A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.
  
2. A child who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30-65 decibels American National Standards Institute without amplification) that the ability to communicate is adversely affected; however, the child who is hard of hearing typically relies upon the auditory channel as the primary sensory input for communication.

**Eligibility and Placement:**

1. **Audiological Evaluation**
2. **Otological Evaluation**
3. **Educational Evaluation**
4. **Psychological Evaluation (optional)**

**Emotional/Behavioral Disorder:****Definition:**

“An emotional and behavioral disorder is an emotional disability characterized by the following: (i) An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers. (ii) An inability to learn which cannot be adequately explained by intellectual, sensory or health factors. (iii) A consistent or chronic inappropriate type of behavior or feelings under normal conditions. (iv) A displayed pervasive mood of unhappiness or depression. (v) A displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.” [34 C.F.R. § 300.8(c)(4)(i)(A – E)]

A child with EBD is a child who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency and intensity that interferes significantly with educational performance to the degree that provision of special educational service is necessary. EBD is an emotional disorder characterized by excesses, deficits or disturbances of behavior. The child's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory general health factors, or other additional exclusionary factors

**Eligibility and Placement:**

- 1. Documentation of Interventions**
- 2. Psychological Evaluation**
- 3. Educational Evaluation**
- 4. Behavioral Observations**
- 5. Social History**
- 6. Documentation of duration, frequency, and intensity**
- 7. Exclusionary factors documented.**

**Intellectual Disability:**

**Definition:**

“Intellectual disabilities refer to significantly sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. [34 C.F.R § 300.8(c)(6)]

Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming.

(a) Significantly sub-average general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence.

(1) All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score.

(2) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas. (i) Significantly sub-average intellectual functioning must be

verified through a written summary of at least one structured observation that demonstrates the child's inability to progress in a typical, age appropriate manner and with consideration for culturally relevant information, medical and education history. (b) Deficits in adaptive behavior are defined as significant limitations in a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.

(1) The child demonstrates significantly sub-average adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive behavior shall be established through the use of standardized adaptive behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive behavior are operationally defined as performance that is at least two standard deviations below the mean of either (a) one of the following three types of adaptive behavior: conceptual, social, or practical, or (b) an overall (composite) score on a standardized measure of conceptual, social, and practical skills. Documentation must include information from at least two sources. The first source shall be someone from the local school who knows the child and the second source shall be someone who knows the child outside of the school environment such as a parent, guardian, or person acting as a parent. (i). Interpretation of results should consider the child's cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures. (c) Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18. (d) A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction;
2. Lack of appropriate instruction in math;
3. Lack of appropriate instruction in written expression;
4. Limited English proficiency;
5. Visual, hearing or motor disability;
6. Emotional disturbances;
7. Cultural factors;
8. Environmental or economic disadvantage; or
9. Atypical educational history (multiple school attendance, lack of attendance, etc.).

**Eligibility and Placement:**

- 1. Psychological Evaluation**
- 2. Educational Evaluation**
- 3. Structured Observation**
- 4. Adaptive Behavior Evaluation**
- 5. Relevant Medical Information**
- 6. Exclusionary Factors Documented**

A child may be classified as having an intellectual disability (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior

**Mild intellectual disability (MID).** (1) Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment.

**Moderate intellectual disability (MOID).** (1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

**Severe intellectual disability (SID).** (1) Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

**Profound intellectual disability (PID).** (1) Intellectual functioning below approximately 25; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the child's age-level and cultural group, as determined by clinical judgment

### **Orthopedic Impairment(OI):**

#### **Definition:**

"Orthopedic impairment refers to a child whose severe orthopedic impairments adversely affects their educational performance to the degree that the child requires special education. This term may include:

(1) Impairment caused by congenital anomalies, e.g., deformity or absence of some limb.

(2) Impairment caused by disease (poliomyelitis, osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.)

(3) Impairment from other causes, e.g., cerebral palsy, amputations, and fractures or burns that cause contractures." [34 C.F.R.§ 300.8(c)(8)]

Secondary disabilities may be present, including, but not limited to, visual impairment, hearing impairment, communication impairment and/or intellectual disability."

#### **Eligibility and Placement:**

1. Medical Evaluation
2. Developmental/Educational Evaluation
3. Psychological (if significant cognitive/academic deficits are present).

**Other Health Impairment(OHI):**

**Definition:**

“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 –

- (1) 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, sickle cell anemia, and Tourette Syndrome, and
- (2) Adversely affects a child’s educational performance.” [34 C.F.R.§ 300.8(c)(9)]

In some cases, heightened awareness to environmental stimulus results in difficulties with starting, staying on and completing tasks; making transitions between tasks; interacting with others; following directions; producing work consistently; and, organizing multi-step tasks.”

**Eligibility and Placement:**

1. Medical Evaluation from a licensed doctor of medicine, or in the case of ADD and ADHD and evaluation by a licensed doctor of medicine or a licensed clinical psychologist.
2. A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child’s educational performance
3. Exclusionary factors documented

**Significant Developmental Delay(SDD)**

**Definition:**

“The term significant developmental delay refers to 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 age-appropriate 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).” [See 34 C.F.R. § 300.8(b)]

**Eligibility and Placement:**

(1) Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD.

(2) For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to: (a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction; (b) Lack of appropriate instruction in math or math readiness skills; (c) Limited English proficiency; (d) Visual, hearing or motor disability; (e) Emotional disturbances; (f) Cultural factors; or (g) Environmental or economic disadvantage. The application of professional judgment is a critical element at every stage of eligibility determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized, teacher made or other tests.

(3) All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations.

(4) For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation must be obtained to determine if the child also meets eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments or orthopedic impairments.

### **Specific Learning Disability(SLD):**

#### **Definition:**

(1) Specific Learning Disability is defined as 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 children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage. [34 C.F.R. §300.8(c)(10)]

(2) The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequately according to age to meet State-approved grade-level standards. These achievement deficiencies must be directly related to a pervasive processing deficit and to the child's response to scientific, research-based

interventions. The nature of the deficit(s) is such that classroom performance is not correctable without specialized techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This is clearly documented by the child's response to instruction as demonstrated by a review of the progress monitoring available in general education and Student Support Team (SST) intervention plans as supported by work samples and classroom observations. The child's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility.

**Eligibility and Placement:**

1. Primary deficit in basic psychological processes identified.
2. Underachievement in one or more of the following areas: Oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematical calculation, or mathematical problem solving.
3. Progress monitoring over a minimum of 12 weeks that indicates the child is not expected to make progress toward the benchmark (use of scientific, research based interventions selected to correct or reduce the problem).
4. Exclusionary factors documented

**Speech Language Impairment(SI):**

**Definition:**

“Speech or language impairment refers to 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)-
- (2) Language Impairment
- (3) Fluency Impairment
- (4) Voice/Resonance Impairment

**Eligibility and Placement:**

1. Evaluation:

A) Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.

B) A comprehensive evaluation shall be performed by a certified or licensed Speech Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as



appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in determining if the child is a child with a disability [34 C.F.R. 300.304(b)(1)]. An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure.

C) A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child's eligibility for speech-language services.

D) The evaluation is sufficient to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been referred or classified [34 C.F.R. 300.304(b)(4)] 34 C.F.R. 300.304(b)(6).

E) Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor.

F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent.

## **Traumatic Brain Injury(TBI)**

### **Definition:**

“Traumatic Brain Injury (TBI) refers to 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 child'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, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma.”[34 C.F.R. § 300.8(c)(12)]

### **Eligibility and Placement:**

(1) Evaluation for eligibility shall include the following:

(a) A summary of the child's pre-injury functioning status. This information may be available through previous formal evaluations, developmental assessments, achievement tests, classroom observations and/or grade reports.

(b) Verification of the TBI through the following: 1. A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or 2.

Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.

(c) A neuropsychological, psychological or psychoeducational evaluation that addresses the impact of the TBI on the following areas of functioning:

1. Cognitive - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.
2. Social/Behavioral - this includes areas such as awareness of self and others, interaction with others, response to social rules, emotional responses to everyday situations and adaptive behavior.
3. Physical/Motor - this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance.

(2) Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance shall be documented.

### **Placement and Service Delivery:**

The identification of TBI for educational programming does not dictate a specific service or placement. The child with TBI shall be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP) Team minutes.

### **Visual Impairment & Blindness(VI)**

#### **Definition:**

"A child with a visual impairment is one whose vision, even with correction, adversely impacts a child's educational performance." [34 C.F.R. § 300.8(c)(13)]

Examples are children whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. The term includes both visual impairment and blindness as follows:

- (1) Blind refers to a child whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some children who are legally blind have useful vision and may read print.
- (2) Visually impaired refers to a child whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or who have a limitation in the field of vision that adversely impacts educational progress.
  - (a) Progressive visual disorders:  
Children, whose current visual acuity is greater than 20/70, but who have a medically indicated expectation of visual deterioration may be considered for vision impaired

eligibility based on documentation of the visual deterioration from the child's optometrist or ophthalmologist.

**Eligibility and Placement:**

- (1) A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child.
- (2) A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind;
3. Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP.

**Professional Learning/Monitoring/Supervision**

Mountain Education will use the "Train the Trainer" model for professional learning, as well as Compliance Director modules from GLRS and internal professional development PLC's throughout the year. The ME Central Office Special Education Department will provide annual professional learning to all ME staff regarding Child Find, SST and Eligibility, Evaluations, and Reevaluations. All Special Education Case Managers/Sped. Dept. Heads will also participate in a yearly training to review IDEA best practices and procedures as well as ME special education processes and procedures.

In addition, the Special Education Regional Coordinators and Special Education Case Manager(s)/SPED teacher(s) will train new sped. staff as needed throughout the year.

The Central Office Special Education Department will be available for each campus through on-campus visits, phone, email, and virtual meetings. During campus visits, special education procedures will be observed and reviewed by the assigned Special Education Regional Coordinator who will complete a documentation form during each visit and submit to the Special Education Director. Also, special education services will be monitored by the Central Office Special Education Department by using the SIS to determine if eligibilities and IEPs are current, if progress reports are being completed in a timely manner, if transitions plans are accurately written and monitored, if services are appropriate, and the progress of special education students.

**State Rule: 160-4-7-.13 – Private Schools**

**Special Education Referrals for Children Placed in Private Schools by their Parents and Home School Children**

If a parent or private school staff suspects a child of having a disability, the parent should submit a special education request to the district. The district where a child attends private school is responsible for ensuring Child Find and equitable participation. If a parentally-placed private school child also resides in that district, the district is then responsible for making FAPE available to the child. If the child resides in a different district,

the district where the private school is located is not responsible for offering FAPE to that child.

Children who are **home-schooled** are also considered parentally-placed private school students.

**ME will refer all home-school and private school children to the local school district in which they reside.**

When the student is in private school by parent choice, the student and the parent lose their individual rights to special education services, however, to the extent consistent with their number and location in the state, provisions are made for the participation of private school children with disabilities in programs provided under Part B of the Individuals with Disabilities Education Act (IDEA) by providing children with special education and related services in accordance with this section. 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 in a public school.

**Materials Provision: Secular, neutral, non-ideological:**

ME does not provide materials to private schools. ME will refer all home-school and private school children to the local school district in which they reside.

**Provision of property, equipment and supplies to private schools:**

ME does not provide property, equipment, and supplies to private schools. ME will refer all home-school and private school children to the local school district in which they reside.

**Children with Disabilities in Private Schools Placed or Referred by Mountain Education**

ME ensures that a child with disability who is placed in or referred to a private school or facility by the school system as a means of providing special education and related services is provided special education and related services in conformance with an IEP at no cost to the parent and is provided an education that meets the standards that apply to education provided by the Georgia Department of Education.

**Placement of Children by Parents when FAPE is at Issue**

If Mountain Education made a free appropriate public education (FAPE) available to a child and the child's parents elect to place the child in a private school or facility, ME is not required to pay for the cost of the education, including special education and related services, for the child at the private school or facility. Disagreements regarding the availability of a program appropriate for the child or concerning the question of fiscal

responsibility are subject to the procedural safeguards provided in State Board of Education Rule 160-4-7-.09.

## **Section 2 – Area of General Supervision II: Services and Supports**

### **State Rule: 160-4-7-.07 – Least Restrictive Environment (LRE)**

#### **LRE requirements: Written policies and procedures exist**

Mountain Education has written policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia shall be educated with children who are not disabled. Special classes, separate schooling or other removal of children with disabilities from the regular class environment occurs *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.

#### **Annual IEP placement determination**

One of the most significant requirements of the IDEA is that students with disabilities be educated in the least restrictive environment (LRE) to the maximum extent appropriate. When the IEP team has reviewed the student's progress (present levels of academic achievement and functional performance); decided on the goals and, in some cases, objectives for the next year; and developed a transition plan when needed; the team then considers the kinds of supports and services the student will need to meet the goals and the setting in which the services will be provided (Georgia Rule 160-4-7-.07).

The IEP team always begins by considering how the goals can be met in the general education classroom. The team should determine the education services, related services, supplementary aids and services, and assistive technology that are necessary for the student to stay in general education, continue to have access to the Georgia Performance Standards, and meet the goals in the IEP. Examples might include use of an assistive technology device, a behavior intervention plan, support from a paraprofessional or sign language interpreter, or changes in the physical environment such as use of positioning devices for a student with an orthopedic impairment. The IEP team determines the student's needs, services, supports, and/or accommodations that are required to make progress in general education settings.

#### **Full continuum of alternative placements location of services**

Mountain Education ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. This continuum includes the alternative placements listed in the definition of special education (*instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions*); and makes provision for supplementary services (such as a separate class or itinerant instruction) to be provided in conjunction with regular class placement.

### **Preschool Placements and Services:**

ME is a high school that provides educational services to students in grades nine through twelve only. Therefore, this does not apply to ME.

### **School age placements and services**

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

Additional supportive services

- The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.

Direct services

- The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.
- Instruction outside the general classroom for individuals or small groups.

Home-Based instruction may be used as a short-term placement option on occasions when the parent and school system agree at an IEP meeting with the following considerations:

- A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP.
- Home-based services must be reviewed no less than quarterly by the IEP team; and
- All IEPs that require home-based placements will include a reintegration plan for returning to the school setting.

Residential placement in-state or out-of-state.

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. The Mountain Education provides hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

## **State Rule: 160-4-7-.10 – Discipline**

### **Relationship of General Code of Conduct to IEP**

The *Code of Student Conduct* for Mountain Education applies to all children unless a child's *Individualized Education Program* (IEP) specifically provides otherwise. ME ensures that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.

### **Interim Alternative Settings and 10-Day Rule**

*The Assistant Superintendent and the Special Education Director must be notified when disciplinary action is taken for a student with a disability.* Mountain Education personnel consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this rule, is appropriate for a child with a disability who violates a code of student conduct. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under this Rule). After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school system will provide services to the extent required under this Rule.

For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined **not** to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except the student with a disability must continue to be receive his/her free and appropriate public education.

The conduct must be determined to be a **manifestation** of the child's disability if the school system, the parent, and relevant members of the child's IEP Team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of the LEA's failure to implement the IEP. If the school system, the parent, and the relevant members of the child's

IEP Team determine that the conduct in question was a direct result of the failure of the school system to implement the IEP, the system will take immediate steps to remedy those deficiencies.

### **Manifestation Determination**

If the IEP Team makes the determination that the conduct was a manifestation of the child's disability, the IEP Team will either conduct a **Functional Behavioral Assessment** (unless a *Functional Behavioral Assessment* conducted before the behavior that resulted in the change of placement occurred is already in place and found to be effective) 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 described below), return the child to the placement from which the child was removed, unless the parent and the school system agree to a change of placement as part of the modification of the Behavioral Intervention Plan.

### **Special Circumstances**

School personnel may remove a child to an **interim alternative educational** setting (determined by the IEP Team) 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 at a school function;
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; 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 the school system.

### **Provision of Notification**

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 Mountain Education Code of Conduct, the school system will notify the parents of that decision, and provide the parents the Procedural Safeguards Notice/Parent Rights in Special Education.

### **Appeal Process**

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or if Mountain Education believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. If the Administrative Law Judge or hearing officer determines that the removal of the child was a violation of his rights or that the child's behavior was a manifestation of the child's disability, the



Administrative Law Judge or Hearing Officer can order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if it is determined that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. These appeal procedures may be repeated, if the school system believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

### **Placement During Appeal**

When an appeal has been made by either the parent or the school system, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45-school day time period provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the school system agree otherwise.

### **Protections for Children Not Yet Eligible for Special Education and Related Services**

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this Rule if the school system had knowledge (as determined in accordance with this Rule) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

The school system must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child needs special education and related services;
- The parent of the child requested an evaluation of the child;
- The teacher of the child or other personnel of the school system expressed specific concerns about a pattern of behavior demonstrated by the child directly to supervisory personnel of the school system

The school system would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability based on special education eligibility rules.

- If the school system does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.
- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner. Until the evaluation is complete, the child remains in the

educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school system and the information provided by the parents, the school system will provide special education and related services.

### **Referral to Law Enforcement and Judicial Authorities**

Nothing in the State Board of Education rules regarding discipline for a student with disabilities prohibits Mountain Education from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. When the school system does report a crime committed by a child with a disability, it must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, but only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

### **Change of Placement due to disciplinary removal**

For purposes of removals of a child with a disability from the child's current educational placement under the State Board of Education discipline rule, a change in placement occurs if:

- The removal is for more than 10 consecutive school days, or
- The child has been subjected to a series of removals that constitute a pattern
  - Because the series of removals total more than 10 school days in a school year;
  - Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
  - Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

### **State Rule: 160-4-7-.06 – Individual Education Program (IEP)**

#### **Individual Education Program Overview**

An **Individualized Education Program (IEP)** serves as the framework for determining the meaning of the term “free appropriate public education or FAPE” in the least restrictive environment, a term frequently referenced in the IDEA. An IEP must be developed for every student with a disability who is or will be receiving special education services. This IEP becomes the important document that ensures the special education student is provided appropriate educational services based on his/her special needs. The IEP is not a binding contract, for which the school system is responsible if the student does not achieve the

growth projected in the goals and objectives. However, it assures that the school system will provide the special education and related services as outlined in the IEP. Additionally, any changes in special education and/or related services for a student are documented in the IEP.

An **Individual Education Program (IEP)** is required for each student who is served in the Special Education Program and is reviewed at least annually. Procedures for initiating the Annual Review are the same as the process for creating the original IEP. The IEP is developed to meet the special needs of the student as identified by the assessments, observations, and other data collected during the referral/eligibility process. The IEP is developed after the student is determined eligible for services.

### **Inter and Intra-State Transfer of Students with IEPs**

Every transferring student to Mountain Education will be checked through the SLDS system, parent conversation and student record to determine if he/she received special education services from the transferring school. If so, records will be requested from that school system. When a student with a disability transfers to ME, the IDEA requires that you provide the student with “services comparable to those described” in his/her previous IEP until a new IEP can be developed.

*Note: All students who enter ME with an EBD eligibility may be referred for a psychological re-evaluation.*

Registrar and/or SPED Case Manager and school staff confirm that student was receiving special education services in previous school by consulting any of the following: parent, student, previous school records and other documentation.

A. Services should be provided until all records are received. Upon receipt of paperwork, the following should occur:

- The SPED Dept. Head/Sped. Case Manager, makes a copy of the records for the School Psychologist (or SLP for Speech only) and uploads documents to SIS, and emails School Psychologist for a review of records.
- School Psychologist (or SLP for Speech only) should review records to determine that all is complete.
- **If records are sufficient (complete)**, School Psychologist (or SLP for Speech only) will contact the SPED case manager to let them know a meeting is ready to be scheduled. It is the responsibility of the SPED case manager to schedule the meeting. All appropriate personnel must be notified when a meeting is scheduled.
- The School Psychologist should be invited to attend meetings for all special education students entering from out of state (regardless of whether records are complete or insufficient), except for students who are Speech only.

- **If records are insufficient after 30 calendar days from the student's enrollment date**, the Special Education Director should be notified. The Special Education Director will assist in obtaining additional records needed. Eligibility Report MUST be received from previous state.
- **If records are still not sufficient after several requests or 45 calendar days from enrollment, or if there are questions of eligibility**, a meeting will need to be scheduled with the School Psychologist (or SLP if Speech only) attending to determine further necessary action. (In this case, the team can opt to accept the previous eligibility with the understanding that additional information is needed. A re-evaluation can be completed and the 60- day evaluation timeline will not apply.) This meeting needs to be scheduled within 60 days from the student's enrollment date.

B. A staffing/ placement meeting, which has been scheduled by the SPED case manager (in collaboration with the School Psychologist), the IEP team will:

- Develop a new **Initial IEP** (Case manager should come to the meeting with a draft IEP completed based on the previous state's IEP and what information is known about the student, keeping in mind the IEP can always be amended later). AN IEP FROM A PREVIOUS STATE CANNOT BE CONTINUED. *(The only time you would NOT do an initial IEP is if the student has already had a GA IEP in the last few years and the student has not previously exited the Special Education program).*
- Complete Re-evaluation Data Review Meeting
- Obtain Parent Consent for Placement.

C. After the staffing/placement meeting, the Case manager will follow all steps for creating and finalizing a new IEP in the Student Information System.

If appropriate, ME could transfer the student's initial eligibility information from the other state's eligibility forms to the Georgia eligibility forms, hold an initial meeting and the 3 year timeline starts again.

### **FERPA and Transmittal of Records**

The Registrar and/or SPED administrative assistant will work diligently to promptly obtain the child's records, including the IEP, eligibility report, psychological evaluation report, supporting documents, and any other records relating to the provision of special education or related services to the child from the previous school system in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act. Campus principals, counselors, special education teachers, general education teachers, and the school psychologist, as appropriate, will be notified when paperwork has been received. Once received, *the records will be reviewed by the SPED Case Manager at each campus* to determine the presence of all required information and documentation. These records will be scanned into the Student Information System(SIS).

### **Definition of IEP Team**

The **IEP Team Meeting** provides an opportunity for all stakeholders involved in the education of the student to meet to determine eligibility as well as discuss appropriate options to meet the individual educational needs of that student. Required members of the IEP Team include:

- Parent(s) of the child
- Not less than one regular education teacher of the child (if the child is, or may be, participating in regular education environment)
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child
- Representative from the school system (called the Local Educational Agency) who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the school system
- Other people may be invited to the team meeting at the request of the school and/or parents (such as related services providers, counselors, the school psychologist, etc.) The student, as appropriate is invited to his/her IEP meeting at any time; however, students at age 14 and above should attend their IEP meetings.

#### **Parent Participation in IEP: Notification and Invitation**

The student's case manager will send a **Notice of IEP Meeting** to the parents approximately ten days prior to the projected review date.

A minimum of three attempts must be made to involve a parent. One attempt must be a written notice. Documented attempts may include:

- Telephone conversations
- E-mail
- Notice sent in mail
- Notice sent with student
- Certified Mail
- Home visit
- Social worker

After three of the above attempts have been made, the meeting may proceed without parental attendance. If a response is given stating that parent will attend, you may proceed with the meeting with or without the parents in attendance. (If the parent requests to reschedule, you may not proceed without them.)

The projected review date must occur before the end date of the current IEP, so case managers are encouraged to begin working with parents to arrange a mutually-agreed

upon date well before the ending date. The parent may request the IEP meeting to be rescheduled or to participate by telephone or videoconference if they are not able to attend. A copy of the notification (for documentation purposes) is automatically saved in the Student Information System (SIS) program, along with the parent's response to the invitation. All required attendees are invited, along with other stakeholders invited by the parent or the school. The parents will be given the names in writing of all members invited to the Annual Review.

Should the parent require a translator or interpreter, it is the responsibility of the ME campus and the Special Education Department to ensure that an appropriate adult is available to serve in that capacity.

Under IDEA, charter schools must ensure that parents are afforded the opportunity to participate in making decisions about their child's placement. *Predetermination occurs when an individualized education program team unilaterally decides a child's placement before an IEP meeting without the parents' participation or input. However, this does preclude the IEP team from discussing potential placement options for a student in advance of the meeting. The difference between "preparation and predetermination" is the team's willingness to listen to the parents' concerns. Nothing in IDEA prohibits schools from developing and presenting a draft IEP to parents providing the draft is used only for the purposes of discussion and development of the student's IEP and may not be represented to the parents as a completed IEP.*

### **Excusal of IEP Team Member**

Two circumstances may allow a required member of the IEP team to be excused:

- When an IEP team member's area of curriculum or related services are not be changed or discussed at the IEP meeting, the parent and school personnel may agree to excuse an IEP team member from all or part of a meeting if the parent consents, in writing to this excusal.
- When the IEP team member's area of curriculum or related services is being discussed at the meeting, the parent or school personnel may excuse an IEP team member from all or part of the meeting if the parent consents, in writing, to the excusal and the excused person submits relevant, written input to the IEP team prior to the meeting.

At the **Annual Review** meeting, the current IEP, including mastery/progress toward goals/objectives is reviewed by the committee and a new IEP is developed based on the student's Present Level of Performance. A copy of the new IEP is sent home with the parents if they are in attendance, or mailed if they are not present. A copy of the new IEP is saved through the on-line IEP program for "read only" access for school personnel given the

rights to that student's IEP. (***NOTE: The Parental Consent for Placement is required to be signed only once, at the time of the initial placement, even though the program or location of program may change.***)

### **Required sections of the IEP**

Please be sure to complete the following information located on the front page of the IEP:

Type of Meeting (Annual Review, Amendment, etc.)

Meeting Date

Implementation Date

IEP End Date

Most Recent Eligibility Date

Home/Service School

Primary Exceptionality

Eligibility Date

Re-Evaluation Date

ALL Demographic Information for student/parent

### **Present Levels of Academic Achievement and Functional Performance**

The present levels of academic achievement and functional performance section establishes the starting point or baseline that is used to develop the entire IEP. It includes a description of the child's current academic, developmental, and/or functional strengths and needs; results of the initial or most recent evaluation; the results of district or statewide assessments; an explanation of how the disability affects the child's participation in the general education curriculum; any concerns of the parent; and, for preschool children, the impact of the disability on participation in age-appropriate activities.

The remainder of the IEP, including goals and objectives, accommodations, transition services, and placement decisions, should be directly linked to the information contained in the present levels of academic achievement and functional performance, which include the following:

The results of the initial or most recent evaluation of the child: This should include a summary of the relevant information from the child's evaluation (not just a listing of scores). This section does not have to include only formal evaluation measures performed on a child. It can include additional formative and summative assessments used for instructional purposes. Best practice is to include information from most recent psychological including processing strengths and weaknesses.

The results of district or statewide assessments: This information must include test scores and must indicate whether the child did not meet, met, or exceeded standards. This should also provide a frame of reference for how the child is performing in comparison to same age peers. In addition, IEPs should include the strengths and weaknesses as indicated by the domains of the subtests.

A description of academic, developmental, and/or functional strengths and needs: Areas of strength may refer to academic subjects such as reading, language arts, math, etc.; developmental areas such as communication, motor, cognitive, social/emotional, etc.; functional areas such as self-care, social skills, daily living, communication, social/emotional, etc. This area should describe **SPECIFIC** needs that impact achievement and must be addressed through the IEP goals and/or objectives or through accommodations.

Parental concerns regarding the child's education: What is written should be the result of ongoing communication with the parent regarding the child's academics, behavior, performance on goals, and/or future plans. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, this information should be drawn from communication that has occurred over the previous school year.

Impact of the disability on involvement and progress in the general education curriculum: This section should describe individual characteristics of the child's disability that affect his or her classroom performance. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems, etc. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the student's eligibility category does not adequately describe the impact on involvement and progress in the general education curriculum. Statements should reflect individual needs and not be applicable to a large group of students.

#### Consideration of Special Factors

Consideration of special factors must be documented in the IEP by checking **Yes** or **No**. The factors to consider are behavior, limited English proficiency, visual impairments, communication needs, assistive technology, and alternative format for instructional materials. If needs are determined in any of these areas, the IEP must include a description of the supports and/or services that will be provided to the child.

Transition involves the steps that are taken to support the child's purposeful and organized move from one program to another.



## **Secondary Transition**

For special education purposes, transition is the change from secondary education to postsecondary programs, work, and independent living. Transition services aid students in this process through a coordinated set of activities that are designed within a results-oriented process, which promotes movement from school to post-school activities including: measurable post-secondary goals in:

- postsecondary education/training
- employment
- independent or supported living
- community involvement
- based upon the individual student's strengths, preferences, and interests
- includes instruction, related services, community experiences, employment and/or adult living objectives and, when appropriate, daily living skills
- objectives and functional vocational evaluation
- The IDEA requires that students be offered an opportunity to be a part of the IEP Team when secondary transition services are initiated, at age 16, or younger if determined appropriate by the IEP Team. It is critical to remember that unless the student's ideas and interests are captured and included, transition plans may not be as valued by the student.

The successful transition of students with disabilities from school to post-school environments should be a priority of every IEP team. The purpose of a Transition Service Plan is to assist students in building the skills and supports they need to reach their post-school goals.

Transition requires support from multiple sources so the student 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 student 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
- transition services (including courses of study) 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 student in preparing for transition from secondary education to postsecondary life. This should relate directly to the student'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 student's future and should motivate the student to reach successful post-school outcomes.

Desired Measurable Postsecondary Outcome/Completion Goals should be measurable and related to what the student wants to achieve after graduation. They should be “major life accomplishments” or “completion goals.” Goals should be written in the areas of 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 must be practical and relevant to transition needs. Outcome/completion goals can change and become more refined as the student has more experience and gets closer to graduation.

Preferences, Strengths, Interests, and Course of Study Based on Present Levels of Performance and Age-appropriate Transition Assessments should 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 could occur when a reevaluation consideration is conducted. It should also be ongoing and fluid. Assessment tools that clearly describe a student’s strengths and weaknesses and document a student’s interests and perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment. Also, six characteristics should be considered when conducting a transition assessment. The transition assessment should: be child centered, be continuous, occur in many places, involve a variety of people, have understandable data, and be sensitive to cultural diversity.

Measurable Transition IEP Goals are based on age-appropriate transition assessment, including transition activities and services appropriate to attain the postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly 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 “how to get to” the desired postsecondary outcomes. They must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills and 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 if appropriate.

Transition Activities and Services 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.

Persons and Agency Involved should include those who will help the student achieve the goals stated. Documentation that these persons were invited to the Transition IEP meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. (If a necessary, participating agency does not attend, you should document other actions for agency linkages.)

*Note: It is the responsibility of ME to ensure that the transition services as outlined in a student's IEP are implemented. These strategies will be followed:*

- *Designate a specific staff to keep track of services*
- *Keep records of services provided*
- *Ensure outside agencies provide agreed-upon services*
- *Compensate for missed services*
- *Follow proper procedures to change, substitute transition services*
- *Train staff, encourage open communication*

Date of Completion and Achieved Outcome should state the date completed and specify what was achieved. If the student does not attend the IEP meeting, the district must take other steps, including verbal and written input, to ensure that the student's preferences and interests are considered before developing the transition aspects of the IEP.

### **Transfer of Rights at 18 Years of Age**

At the IEP meeting before the student turns 18, a statement that the student has been informed of his or her rights that will transfer to the student upon reaching the age of 18 must be included in the IEP. The IEP should also document, at age 18, that the rights have been transferred. *Once the rights have transferred to the student at age 18, the district must provide any notice required to both the child and the parent. All rights given to the parent transfer to the student.*

### **The Summary of Performance (SOP) & Exit for Age 21**

For a student whose eligibility terminates due to graduation with a regular diploma or to exceeding the age requirements, the district 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 for students who graduate with a certificate of attendance, special education diploma, or state-defined alternate diploma as well. 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. The SOP form is located within ME's SIS system.

At ME, if a student is receiving special education services upon reaching age 22, an IEP/SOP meeting will be held for the student prior to their 22<sup>nd</sup> birthday.

**The adult student and parents will be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22 and that he or she will no longer be eligible for special education services after their 22<sup>nd</sup> birthday.**

The IEP team will review current credits remaining towards graduation, attendance, behavior/discipline records, and over-all academic standing for the student. If the student would like to remain enrolled at ME and continue working towards obtaining necessary credits for graduation, the special education case manager must notify the ME Special Education Director via email and provide a summary of the review information. The Special Education Director will then submit a request to the ME Superintendent via email and he will make the determination if the student is allowed to continue their education at ME.

It is the goal of Mountain Education to secure the successful transition of students to their desired post-school outcomes. The school system will collaborate with parents, teachers, and students to complete that transition by age 22.

#### **Diplomas Available to Students with Disabilities:**

There are four diplomas available to students with disabilities:

1. The High School Diploma
2. The Special Education Diploma
3. The Certificate of Attendance
4. The State-Defined Alternate Diploma

DIPLOMA TYPE	WHO IS ELIGIBLE?	REQUIREMENTS
High School Diploma	All students	Awarded to students certifying that they have satisfied attendance requirements, unit requirements and the state assessment requirements
State-Defined Alternate Diploma	Students with significant cognitive disabilities	Awarded to students with the most significant cognitive disabilities who were assessed using the Georgia Alternate Assessment (GAA 2.0) and meet other requirements of the State Board Rule
Special Education Diploma	All students with disabilities assigned to a special education program	Awarded to students with disabilities who have not met the requirements for the High School Diploma, or the State-Defined Alternate Diploma but have completed their IEP goals
High School Certificate	All students	Awarded to students who have not met the requirements of a diploma

**Only the high school diploma is a full credential.** The other available credentials (the special education diploma, the certificate of attendance and the state defined alternate) are not full credentials and allow a student with an IEP the right to return to school until such time as his eligibility for FAPE ends, which in Ga is the 22nd birthday.

### **Which students are eligible for the State-Defined Alternate Diploma?**

The State Defined Alternate Diploma is a credential that is available to students with the most significant cognitive disabilities who are assessed during middle and high school through the Georgia Alternate Assessment, (GAA 2.0) and entered 9th grade for the first time in Fall 2020 or later.

Mountain Education will not utilize a unique diploma name for the State Defined Alternate Diploma nor will this diploma look different in appearance from the traditional high school diploma.

*Understanding the State Defined Alternate Diploma Q & A Document* can be accessed at the website listed below:

<https://drive.google.com/drive/folders/1tBf5LMoU87ygz4CalgrWZI0dXF8iQ3Kv>

A FAQ specifically developed for parents can be found here:

### **Measurable Annual Goals/Short Term Objectives**

IEP goals are written to address an individual student's deficits to enable that student to make progress in grade level standards. All students are expected to be working toward grade level standards, so it is not necessary to list those standards in the IEP. The goals should address the needs described in the present levels of academic achievement and functional performance that will enable the child to progress in the grade level standards-based curriculum. The goals should be written in measurable form and should describe what the student can be reasonably expected to accomplish within one school year.

- **Example:** The student is not making progress in the general education curriculum because of his inability to follow directions from the teacher, and he often completes assignments incorrectly.
- **Goal:** The student will comply with oral directions the first time given by the teacher by listening, clarifying, and verbally agreeing to do as asked 4 out of 5 times for three consecutive weeks.
- Short term objectives or benchmarks are not required for all students. Only those students who participate in the GAA are required to have either benchmarks or short-term objectives. However, it is recommended that short term objectives or benchmarks for all students be considered.

At times, a parent may request short term objectives for a particular area of the IEP even though they may not be required. Therefore, school personnel and the parent should work together to reach an agreement about short term objectives as appropriate.

### **Student Supports**

Student supports consist of accommodations for instruction and testing, supplemental aids and services, and/or supports for district personnel. These may be provided to assist students in advancing toward attaining annual goals, in being involved and making progress in the general curriculum, and/or in being educated and participating with other nondisabled students.

**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 textbooks, 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 basis. Accommodations should not be confused with differentiated instruction.

**Classroom testing accommodations** 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.

### **Assistive Technology**

Supports for district 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. 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

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.

### **Participation of Student with Disabilities in Assessments**

Georgia requires all students to participate in statewide assessment programs. For any grade where all students are assessed, students with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA). The GAA is designed for students with the most significant cognitive disabilities, approximately one percent of all students enrolled in assessed grades. All students must be included to the fullest extent possible in all statewide assessments and have their assessment results included with Georgia's accountability system. The GADOE participation requirement is supported by federal legislation requiring the participation of students with disabilities in standards-based instruction and assessment initiatives.

The section of the IEP regarding district and statewide assessments should be as specific as possible and should only identify testing accommodations the student must have to participate in the assessment. The IEP team may not identify any accommodations that are not on the approved list. If a student must have an accommodation that is not on the list, the IEP team should work with the Special Education Director and the Testing Coordinator who will contact the GADOE Testing Division to discuss the ramifications of the potential accommodations. **Each assessment should be listed individually and by content area so that accommodations can be individualized.**



### **Formal Assessments**

The Georgia Milestones Assessment System (Georgia Milestones) is a comprehensive summative assessment program spanning grades 3 through high school. Georgia Milestones 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. Students in grades 3 through 8 will take an end-of-grade assessment in each content area, while high school students will take an end-of-course assessment for each of the courses designated by the State Board of Education.

### **Alternate Content Standards/Georgia Alternate Assessment(ACS/GAA)**

The Georgia Alternate Assessment (GAA) is a key component of the Georgia Student Assessment Program. An essential tenet of both the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA), is the fact that states must ensure that all students, including students with significant cognitive disabilities, have access to a general curriculum that encompasses challenging academic standards. States must also ensure that all students are assessed for their progress toward meeting academic standards. To accomplish this, states must have curricular standards that include all students and then must assess those students with statewide tests of achievement or develop an alternate assessment. Students with significant cognitive disabilities may be assessed via an alternate assessment based on alternate achievement standards. The US Department of Education (USDOE) defines an alternate achievement standard as one that “sets an expectation of performance that differs in complexity from a grade-level achievement standard.” Alternate achievement standards must be aligned to state academic content standards, although they may reflect prerequisite or entry-level skills.

Students who receive their education through the Alternate Content Standards (ACS) at ME will receive educational services provided by a Special Education Teacher with Adaptive Certification. This will fulfill the Professional Qualifications required in the area of service.

### **Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP)**

Any student identified with an emotional behavior disorder may have a completed functional behavioral assessment (FBA) and a behavior intervention plan (BIP).

**Functional Behavior Assessment-** A functional behavior assessment involves gathering information to determine the cause or function of a behavior. In most circumstances, a FBA should be conducted before developing a behavior intervention plan. There are many different tools that could be used for a FBA. Tools should be selected on a case-by-case basis for each individual student. The information that is collected in a FBA is used to help understand why and in what conditions problem behaviors occur. The information will help the Individualized Education Program (IEP) team develop a behavior intervention plan.

#### Components of a FBA:

A definition of the behavior that you want to change: What is the student doing that is interfering with learning or causing harm to the student or others? What is the behavior we want to change? This behavior must be observable and measurable.

- Measurement of the behavior: When does it happen? Where does it happen? How often does it happen? How long does the behavior last? Who is present when it happens? What happens before the behavior is exhibited (antecedent)? What happens after the behavior is exhibited (consequence)? Does it happen only at certain times of the day?
- Data collection and assessment: This can include parent, student and teacher interviews whenever possible. It may include record reviews. It could include completing checklists or questionnaires. It may include observations of the student in different settings.
- A summary (hypothesis): This means that the team uses the information collected to try to understand the function or purpose of the behavior (why the student is exhibiting the behavior).

#### Components of a BIP:

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: These can include changes in routines, changes in classroom instruction, opportunities for choice, etc.
- New skills to replace the target behavior: These can include communication skills, social skills, self- management skills, choice-making, etc.
- Ways to teach the new behaviors: These may include modeling, practice, social stories, prompts, direct instruction, etc.
- Consequences: These include what happens if the target behavior is exhibited and what happens when the desired behavior is exhibited.
- 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.

### **Placement Options**

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 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.

### **Consultation Services**

Consultation or Consult services should be offered to students who are able to function with few, if any, accommodations and have met previous goals/objectives. To maintain contact with a consult student and accurately monitor his/her progress, a minimum of paraprofessional services should be provided in at least one content class.

### **Extended School Year (ESY)**

Extended school year (ESY) refers to special education and/or related services provided beyond the normal school year 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. 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. The consideration of ESY services is a part of the IEP process. The IEP must address the provision of ESY services, if required, for the student to receive FAPE.

### **Determining the need for Extended School Year Services**

Please use the following guidelines when making a decision relative to ESY. 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 but are based on the student's unique educational needs;
- not mandated twelve-month services for all students with disabilities;
- not a child care 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, compensatory services, or enrichment programs;
- not required to be provided in a traditional classroom setting;
- not a service to be provided to maximize each student's potential

The IEP team should consider the need for these services at least annually. 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. As with all other programming needs, it is recommended that the need for ESY be documented via data gathered about the student's performance in relation to the IEP goals and objectives as well as the individual needs of the child. This may include such factors as: the severity of the disability; the age of the child; any transitional needs; the rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives; the relative importance of IEP goals at issue; whether the child is at a critical point of instruction, such as emerging skills; and whether any delays or interruptions in services occurred during the school year.

***Note: Mountain Education is a year- round school. Therefore, all students have an option of attending beyond what is considered a normal school year.***

#### Documentation of Extended School Year Services

If a student is determined eligible for extended school year services by the IEP team, the team must:

- Indicate which goals and objectives from the current school year are being extended or modified. Such extension is needed to develop FAPE.
- Document the services needed
- Document the amount of time for each service
- Document the beginning and ending dates for the services
- Document the service provider and location

#### **Related Services**

IEP teams may determine that services other than instruction are necessary to help students benefit from special education. The IEP team makes the determination of need for related services. In some cases, the IEP team may recommend an evaluation to determine the need for a specific related service. In all cases, related services should support the special education program outlined in the IEP with a

clear correlation between the related services and IEP goals and objectives. Related Services normally include transportation and such developmental, corrective, and other supportive services as required to assist a child eligible for special education to benefit from special education. Related services may be delivered in school, home, or community settings as determined appropriate by the IEP team. Related services are required to assist a student with a disability in benefiting from and accessing educational services. The term “related services” means developmental, corrective, and other supportive services including, but not limited to the following:

- Audiological services
- Psychological and counseling services
- Physical and occupational therapy
- Social work services
- Counseling services, including rehabilitation services
- Speech/language pathology services
- Orientation and mobility services
- Interpreting services
- School nurse or other medical services
- Parent training
- Transportation

To determine what special education services and/or related services will be provided to the child, the IEP team will look at the child’s present levels of academic and functional performance, assessment results, the 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 the annual goals.

If related services are determined, please contact the Special Education Director within 24 hours of the IEP meeting by email and by phone.

IDEA refers to related services and supplementary aids and services that are “based on peer-reviewed 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 education 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, and the instructional accommodations or modifications section.

## Amendments

An amendment is required under any of the following circumstances:

- Significant changes in service(s) provided
- Scheduling changes involving change of placement/service(s)
- Changes in accommodations
- Adding or removing standardized test(s)

After the annual IEP meeting, there may be a need to change, or amend, the IEP. This can be done either by reconvening the IEP Team to amend it or by a mutual agreement between the parent and system to make changes to the written document without a meeting. **The parent always retains the right to request a meeting for any and all changes or amendments to the IEP.** Regardless of the method of changing the IEP, the parent must be provided a copy of the changes in a timely manner and an explanation of those changes.

### How can an IEP be amended without having a face-to-face meeting?

Following communication with the parents, if both the school and parents agree that a meeting is not necessary to amend the IEP, an amendment can be made. The parents and staff working with the student must be provided a copy of the amended IEP. The amendment is developed using the Student Information System's IEP program, which initiate with a Parent Notification of Meeting, followed by changes made directly on-line to the current IEP. Both the "old" IEP and the "new, amended" IEP are kept on-line.

### Can a change in time or placement on the IEP be made without a meeting—as part of an amendment? Are there any changes that can be made to an IEP that require a meeting, and cannot be made through the use of an amendment?

The answer to both of these questions is yes, but the Individuals with Disabilities Education Act (IDEA) does not specify any specific circumstances in which these changes may be made. Professional judgment should be used to determine when it is necessary to convene a meeting. Amendments are intended to relieve the paperwork burden when minor changes need to be made in the IEP.

### Is it permissible to have only one signature, representing one person at the "meeting," on the IEP Addendum form?

Yes. When a case manager contacts the parent by phone to discuss a change to the IEP and both parties agree to the change, the case manager may write up the agreed upon changes as an IEP Addendum and document the method of contact (i.e.—phone call or impromptu conversation) on the Parent Notification of Meeting Response Section. If either party requests that a meeting should be called, then a meeting should be arranged to discuss and document the changes. Best practice is to have a second school official in the room when the phone conversation or impromptu conversation is taking place; however, it is permissible to have only one signature if both parties agree to the change.

Remember: ***Professional judgment** should be used when determining whether to have a formal meeting or have a second school person as part of the phone conference.*

## **State Rule: 160-4-7-.14 – Personnel, Facilities, and Caseloads**

### **Maintenance of credentials for professional employees**

Maintenance of current credentials is the ongoing responsibility of any professional employed by or under contract with Mountain Education. Maintenance of records of current credentials is the ongoing responsibility of Mountain Education. ME will recruit, hire, train and retain an adequate supply of certified or licensed personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities.

### **Classroom size and appropriateness**

ME provides classrooms 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. The school system follows this Georgia Department of Education 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.

### **Maximum class size and caseload by eligibility category**

ME follows the Georgia Department of Education policy and the policy of the State Charter School Commission.

## **Section 3 – Area of General Supervision III: Student Progress**

### **ME Policy & State Rule: 160-4-7-.02 – Free Appropriate Public Education (FAPE)**

#### **FAPE inclusive for students aged 3 to 21: Full Educational Opportunity**

All children with disabilities between the ages of 3 through 21 are entitled to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school. If a student is receiving special education services upon reaching age 22, ME will serve the student until their 22<sup>nd</sup> birthday. It is the goal of ME to secure the successful transition of students to their desired post school outcomes and will collaborate to complete that transition by age 22. The adult student and parents will be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22.

FAPE will no longer be provided by ME upon a student graduating from school with a general education diploma (high school diploma). This rule will be reviewed at the annual review prior to the student graduating and/or at the **Summary of Performance** meeting.

### **FAPE for incarcerated students**

Students eligible for special education services who have an IEP and who are in a facility operated by the Georgia Department of Juvenile Justice (DJJ) or the Georgia Department of Corrections (GDC) must receive their educational programs. 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 LEA attended by a student to obtain copies of educational records so that a FAPE can be provided. DJJ and GDC are LEAs and should be treated as other LEAs when providing records in an expeditious manner.

The obligation to make FAPE available to all children with disabilities does not apply to adult students aged 18 through 21, who, in the last educational placement, prior to their incarceration in an adult correctional facility:

1. Were not actually identified as being a child with a disability;
  - Did not have an IEP in effect; and
  - Graduates from high school with a regular high school diploma. (This constitutes a change in placement, requiring written prior notice.)
2. The exception does not apply to adult students with disabilities, aged 18 through 21
  - who had been identified as a child with a disability and had received services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail;
  - Did not have an IEP in their last educational setting, but who had been identified as a child with a disability; or
  - Have graduated from high school but have not been awarded a regular high school diploma.

The term regular high school diploma does not include an alternative degree that is not aligned with the State's academic standards such as a *special education diploma, certificate of attendance* or a *general educational development credential (GED)*.

A ME student with a current IEP who is in the local jail, such as those managed by city or county agencies (i.e. the sheriff's office), is also entitled to a FAPE. In these circumstances, the LEA where the student is enrolled (full time) is responsible for providing services to students in that jail. Mountain Education will work closely with local law enforcement in collaborative districts to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the LEA's obligation is to provide FAPE. The ME campus administrator or Sped. Case Manager should



immediately notify the Special Education Director when an actively enrolled student with a disability at ME becomes incarcerated. The Sped. Director, Assistant Superintendent, and the Second Chance Coordinator will work collaboratively with the local jail where the student is detained in order to provide a FAPE to the best of our ability given the current situation. The ME IEP team will convene and hold an IEP meeting as soon as possible at the local jail (following all guidelines given by the facility) in order to amend the current IEP to reflect current needs of the SWD while incarcerated. In the event that a local jail does not allow ME to provide services to a SWD while incarcerated, this will be documented in the student information system (SIS) for ME.

### **Delay of services not allowed**

ME ensures that there will be no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

### **Residential placement**

If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.

### **Provision of accessible instructional materials**

ME will provide print instructional materials in an accessible format to student who are blind or other print disabled. These materials will be provided in a timely manner.

### **Provision of assistive technology**

ME will consider each student's need for assistive technology devices and services. Assistive technology is considered by each IEP team in the development, review, and revision of student IEPs. When the IEP team determines that a student requires assistive technology devices or services, this should be clearly documented in the IEP, and the assistive technology should be provided to the student in a timely manner. The provided assistive technology should be integrated into instructional activities, and data should be collected on the use of the technology.

### **Assistive technology evaluations**

An assistive technology evaluation may be required if appropriate assistive technology solutions are not known to the child's IEP Team through the consideration process. This evaluation is conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The child and family are also included in this evaluation process. The evaluation results in recommendations for assistive technology devices and services, if required. If the child's IEP Team determines

that assistive technology devices or services are required for the child to receive a FAPE, a statement to that effect is included in the child's IEP.

#### **Home use of assistive technology**

If the IEP Team determines that the child with a disability requires school-purchased assistive technology at home or in other settings to receive a FAPE, the assistive technology will be provided to the child at no cost to the parent. The need for assistive technology in the non-school settings will also be documented in the child's IEP.

#### **FAPE and Extended School Year**

ME operates as a year-round school.

#### **Extracurricular activities accessibility**

ME does not offer extracurricular activities.

#### **Access to physical education and specially designed physical education**

ME offers physical education classes in a traditional setting where the PE Teacher incorporates physical activities such as games and exercise to meet a 25 hour participation requirement. If the IEP team determines that a student with a disability needs specially designed physical education, the Special Education Director and Director of Teaching and Learning should be notified via email by the campus sped. case manager. They would collaborate with the campus IEP team to make adaptations based upon the individual student needs.

#### **Services to public charter schools**

Children who attend public charter schools and their parents retain all rights give to them in the public school under IDEA. Charter schools must make available the services needed to provide education for students with IEPs. If the charter is a state charter school, the school 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 in the charter. Students with IEPs may not be discriminated against, and a state charter must accept student who choose to enroll.

#### **Programming options and equal access**

ME ensures that children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served the system.

### **Hearing equipment checks**

ME ensures that hearing aids worn in school by students with hearing impairment, including deafness, are functioning properly.

### **External Components of Surgically Implanted Medical Devices**

ME ensures that the external components of surgically implanted medical devices are functioning properly. ME is *not* responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

### **Prohibition of mandatory medication**

ME prohibits personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the *Controlled Substances Act* (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation or receiving services.

Nothing in the paragraph above shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a child's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services as it relates to Child Find.

## **Section 4 – Area of General Supervision IV: Parent Engagement**

### **ME Policy & State Rule: 160-4-7-.09 – Procedural Safeguards and Parent Rights**

#### **When Parent Rights must be provided to parents**

The *Parent Rights in Special Education* (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to a free and appropriate public education (FAPE). The Parent Rights notice provides parents with the opportunity to understand their rights, the rights of their child and the procedures for resolving differences. This document will also help to facilitate communication between parents and system personnel. *The Parent Rights brochure is given to parents at a minimum of once per year. This brochure should be given to parents when they are asked to sign a Consent for Evaluation form, a Consent for Placement form, and at the initial IEP meeting and each IEP annual review meeting.*

The term “*Procedural Safeguards Notice*” also refers to the document commonly identified as “*Parent Rights*” which are given to parents at least one time per school year. A copy is also given to parents in the following circumstances

- Upon initial referral or parent request for evaluation;

- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first request for a due process hearing in a school year;
- Upon notification by the local educational agency to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct;
- Prior to accessing a child's or parent's public benefits or insurance for the first time; and
- Upon request by the parent.

### **Content of Parent Rights**

The content of the notice includes a full explanation of all the procedural safeguards available relating to individual educational evaluations; prior written notice; parental consent; access to education records; and the opportunity to present and resolve complaints through the State complaint procedures and due process hearing which includes:

- The time period in which to file a complaint or due process hearing
- The opportunity for the agency to resolve the complaint; and
- The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.

Contents also includes the availability of mediation, the child's placement during the pendency of any due process hearing; procedures for children who are subject to placement in an interim alternative education setting; requirements for unilateral placement by parents of children in private school at public expense; due process hearings, including requirements for disclosure of evaluation results and recommendations; appeals of due process hearings, including the time period in which to file those actions; attorneys' fees; and notice provided in language understandable to the parents.

### **Prior Written Notice**

ME informs parents of actions being proposed or refused regarding their child by giving prior written notice before the district proposes or refuses to initiate or change the following:

- Identification (process to determine eligibility)
- Evaluation (nature and scope of assessment procedures)
- Educational placement (educational placement of children, including graduation)
- FAPE (the provision of the free appropriate public education to children)

Prior Written Notice is often contained within the IEP document if the discussion occurred during an IEP meeting. At other times, Mountain Education will respond in writing to a parent request with the following information:

- A description of the action refused or proposed by ME
- An explanation of why the school 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.
- The sources for the parents to contact to understand the procedure safeguards.
- A description of other options the IEP team considered and the reasons why those options were rejected.
- A description of other factors that are relevant to the school's proposal or refusal.

### **Parent opportunity to review records**

Mountain Education provides an opportunity for the parents of a child with a disability to inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child. These rights include the right to a response from the local education agency to reasonable requests for explanations and interpretations of the records, the right to request the local education agency to provide copies of the records and the right to have a representative of the parent to inspect and review the records. The local education agency may presume that the parent has these rights unless the school system has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce. All rights of parents to examine education records shall transfer to the child at age 18. Participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education (FAPE) to such child. Parents may also obtain an independent educational evaluation of the child. The request will be satisfied as soon as possible or no later than 45 days after receiving the request.

### **Parental participation in meetings**

The parents of a child with a disability are afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a FAPE to the child. *A meeting does not include informal or unscheduled conversations involving local education agency personnel and does not include conversations on issues such as teaching methodology, lesson plans or coordination of service provision. A meeting also does not include preparatory activities that local education agency personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting.* Each local education agency shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local education agency shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing. A placement decision may be made by a group without the involvement of the parent(s) if the local education agency is unable to obtain their participation in the decision. In this case, the local education agency must have a record of its attempts to ensure their involvement, including information that is consistent with State Board of Education Rule 160-4-7-.06 *Individualized Education Program*. The local education agency makes reasonable efforts to ensure that the parents understand and can participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.

ME provides notice consistent with Rule 160-4-7-.06(11) (a) to ensure that parents of children with disabilities have the opportunity to participate in meetings described above.

### **Independent Educational Evaluations**

When a parent of a student with a disability disagrees with an evaluation conducted by the ME, the parent has the right to request that ME fund an independent educational evaluation. An Independent Educational Evaluation(IEE) is an evaluation conducted by a qualified examiner who is not an employee of the School System. Any results obtained through this independent evaluation must be considered by the School System in any eligibility or placement decision. Campus administrators and teachers are asked to notify the Director of Special Education immediately upon receipt of this request. The School System is under strict time constraints once a parent makes this request.

As used in this section, independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the local education agency responsible for the education of the child with a disability in question. As used in this section, public expense means that the local education agency pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents.

The parent(s) has/have the right to an independent educational evaluation at public expense if the parent(s) disagree(s) with an evaluation conducted/obtained by the local education agency, subject to the conditions in paragraphs described below:

If a parent requests an independent educational evaluation at public expense, the local education agency must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless the local education agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency

criteria. If the final decision is that the local education agency's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.

If a parent requests an independent educational evaluation, the local education agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the local education agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the local education agency's evaluation.

ME will provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the local education agency's criteria applicable for independent educational evaluations.

If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation shall be considered by the local education agency, if it meets state and local education agency 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.

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. Whenever the state or local education agency pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the state or local education agency uses when it initiates an evaluation. Except for the criteria described in this Rule, a local education agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

***A parent is entitled to only one independent education evaluation at public expense each time the local education agency conducts an evaluation with which the parent disagrees.***

### **Parental Consent**

At a minimum, informed parental consent is obtained before conducting an initial evaluation to determine if the child qualifies as a child with a disability; conducting any re-evaluation of a child with a disability; and providing initial special education and related services to a child with a disability. 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.

Informed parental consent is obtained before disclosing personally identifiable information under conditions, accessing a child's or parent's public benefits or insurance for the first time as described in State Board of Education Rule 160-4-7-.02. ME makes reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

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

- Despite reasonable efforts to do so, the local education agency 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;
- The rights of the parent 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.

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

Mountain Education (responsible for making FAPE available to a child with a disability) will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. If the parents of a child fail to respond or refuse to consent to services, the local education agency may not utilize the procedural safeguards of mediation or a due process hearing to obtain agreement so 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, the LEA will not be considered in violation of the requirement to make FAPE available to the child for which the local education agency sought consent. The local education agency is not required to convene an IEP Team meeting or develop an IEP for the child for whom the local education agency requests consent.

Mountain Education obtains informed parental consent prior to conducting a re-evaluation of a child with a disability. If the parent refuses to **consent to the re-evaluation**, ME may, but is not required to, pursue the re-evaluation by using the consent override procedures



by accessing the mediation or due process hearing procedures. The school system does not violate its obligation if it declines to pursue the re-evaluation.

### **Parent Refusal for consent/revocation**

*Parents have the right to request to revoke the consent for placement of their child with disabilities. If a parent requests to revoke consent, then the school must notify the Director of Special Education so that all steps of Prior Written Notice are followed.* The IEP Team, along with a system representative, will meet with the parent to discuss this request. Often the parent may not understand all ramifications of this choice, so the process should be explained to the parents so that they understand the rights that they would be giving up when revoking consent. The following information is given to the parent of the child requesting revocation of special education services:

- Upon parent request, all Special Education services would be eliminated for this student. These services include special transportation, other related services such as Occupational Therapy and Physical Therapy, benefits from other public and private programs, testing accommodations, and provision of assistive technology.
- This revocation may impact the student's high school graduation requirements and diploma options.
- The Individual Education Program (IEP) developed for this student and his/her eligibility/re-determination report has deemed him or her eligible for Special Education and in need of services.
- By revoking Consent for Placement, the parent would be giving up the procedural safeguards available under the Individuals with Disabilities Education Act (IDEA).
- The revocation of parental Consent for Placement means ME is not deemed to have "knowledge of disability" under IDEA and that all rules and timelines for student discipline (including suspension, expulsion, and manifestation) that apply to general education students would apply to this student.

The parent is not allowed to revoke "partial" consent for only some of the services provided by the IEP. If the parent and ME disagree about whether a Free and Appropriate Public Education (FAPE) would be provided with or without the provision of a service, the parent may use the due process procedures outlined in *Special Education Parental Rights* to obtain a ruling regarding the services. Consent for services is consent for special education.

### **Parent Consent not required**

Parental consent is ***not*** required before:

- Reviewing existing data as a part of an evaluation or re-evaluation; or
- Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children.

The school system may not use a parent's refusal to consent to one service or activity under subparagraph (d) – (f) of paragraph 6 of this Rule to deny the parent or child any other service, benefit, or activity of the local education agency.

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 initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the local education agency may not use the consent override procedures described in this rule; To meet the reasonable efforts requirement in the consent section of this rule, the local education agency must document its attempts to obtain parental consent

### **Parent training**

Parents may be provided assistance to understand the special needs of their child and information about child development; and to acquire the necessary skills to support the implementation of their child's IEP if determined by the IEP Team as a related service.

### **State Rule: 160-4-7-.11 – Surrogate Parent**

In order to provide every student eligible for public education with the protection of procedural due process, under circumstances where a student's parents or guardians are not known or are unavailable, or a student is a ward of the State, that student will be assigned a surrogate parent. (*Refer to Federal Regulations 300.519.*) The person who is selected to be a surrogate parent may not be an employee of the State Education Agency, Local Education Agency or any agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child s/he represents; and has knowledge and skills that ensure adequate representation of the child (attends a Surrogate Parent Training Session.) In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.

Children who are in the custody of the Department of Family and Children's Services (DFCS) and the Department of Juvenile Justice (DJJ) are considered "*wards of the state*" or in Georgia the term most often used "*in state custody*". Children in the custody of DJJ or DFCS that are residing in group homes, residential facilities, or emergency shelters may all qualify as wards of the state that need a surrogate parent. *Children in the custody of DFCS who reside with a foster parent are also wards of the state; however, the **foster parent** can fit the definition of parent under the 2004 Individuals with Disabilities Educational Act (IDEA). Therefore, a foster parent can sign **Consent to Evaluate** and to **Place in Special Education** without getting a surrogate parent or requiring that the foster parent attend training prior to signing.*

If the child is in the custody of a State agency (DFCS), then the child is a ward of the state. If the child is a ward of the state, then the following question must be asked to determine whether a surrogate is needed or not. If the child is in the custody of DFCS, then ask the person enrolling the child if the child resides with a foster parent. If the answer is YES, then the foster parent may sign the legal forms. If the answer is NO, then the school system will assign a surrogate parent to the case. The Director of Special Education is responsible for assigning surrogate parents to specific cases.

## **State Rule: 160-4-7-.12 – Dispute Resolution**

### **Complaint Process**

An organization or individual, including an organization or individual from another state, may file a signed, written complaint regarding allegations of substance. The complaint shall include a statement that Mountain Education has violated requirements of the *Individuals with Disabilities Education Act* (IDEA) and 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, 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, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at 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 the local education agency at the same time the party files the complaint with the Georgia Department of Education (GaDOE).
- The complaint shall be reviewed and investigated as necessary and appropriate action taken within 60 calendar days of its receipt by the Georgia Department of Education (GaDOE).
- If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing
- If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be so informed by the Georgia Department of Education (GaDOE). However, a complaint alleging the local

education agency failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described in this rule.

Through activities of the Georgia Department of Education (GaDOE) and the local school system, the state complaint procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

The complaint procedure is as follows:

- Complaints from any organization or individual shall be signed and addressed in writing to:

***Director, Division for Special Education Services  
Georgia Department of Education  
1870 Twin Towers East  
Atlanta, Georgia 30334-5010***

- The party filing the complaint must forward a copy of the complaint to the local education agency serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent and/or Assistant Superintendent for Student Support of ME.
- The complaint shall include a statement that the State or school system has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) and 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, 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, 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 to the problem to the extent known and available to the party at the time the complaint is filed.
- The Divisions for Special Education Services and Supports shall address the issue with the school system in writing and request a response within 10 business days from the public agency directly involved.
- ME shall then respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
- Copies of all correspondence shall be sent to the parties involved that include the complainant, the Georgia Department of Education (GaDOE) and the school system. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
- The parent who files the complaint and the school system shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.

- Upon receipt of the first State complaint from a parent in a school year, the school system involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability.
- The Divisions for Special Education Supports and Services shall review the school system's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Division for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an on-campus visit, if necessary, to clarify the issue.
- The on-campus complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the Individuals with Disabilities Education Act (IDEA). The on-campus review may include examination of records, interviews and classroom visits.
- The Division for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.
- The Division for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the school system is violating a requirement of Part B of the Individuals with Disabilities Education Act (IDEA).
- The Division for Special Education Supports and Services shall issue a written decision to the school system and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.
- The Division for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.
- If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the school system is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities.
- The Georgia Department of Education (GaDOE) must not make any final determination that the school system is not eligible for assistance under part B of the Act without first giving the school system reasonable notice and an opportunity for a hearing.

Complaints that the school system has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures

outlined above. Complaints regarding Child Find are to be filed with the school system in which the private school is located and a copy forwarded to the Georgia Department of Education (GaDOE).

### **Mediation Process**

ME ensures that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process. The mediation process shall be available on request of either party to resolve disputes and offered upon each receipt of a complaint or a due process hearing request.

The procedures shall ensure that the mediation process:

- Is voluntary on the part of the parties;
- Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA; and
- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The Georgia Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational or other impartial basis.

An individual who serves as a mediator may not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child; and Mediators must not have a personal or professional interest that conflicts with the person's objectivity.

A person who otherwise qualifies as a mediator is not an employee of the school system, or a State agency solely because he or she is paid by the Georgia Department of Education to serve as a mediator.

- The State shall bear the cost of the mediation process
- Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. (h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:

- Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and
- Is signed by both the parent and a representative of the school system with the authority to bind the school system;
- The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process.

### **Impartial Due Process Hearings**

The impartial due process hearing is designed to provide a parent or school system an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a free and appropriate public education (FAPE) to a child with a disability. The due process hearing request must allege a violation that occurred not more than two years before the date the parent or school system knew or should have known about the alleged action that forms the basis of the due process hearing request. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or the school district's withholding of 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 such costs to the prevailing party. The school system must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the school system. Due Process Request Procedures are as follows:

- The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the school system, the party must provide a copy to the Superintendent of ME at the same time it provides it to the State.
- Either party, or the attorney representing either party, may file the due process hearing request.
- The state and the parties shall keep the content of the due process request confidential.
- The content of the complaint must include:
  - The name of the child
  - The address of the residence of the child;

- The name of the school and the school system the child is attending; For a homeless child, the contact information for the child and the name of the school and school system the child is attending;
  - A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement or provision of a free appropriate public education (FAPE) including the facts relating to the problem;
  - A proposed resolution to the problem to the extent known and available to the party at the time.
- A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above.
  - The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above.
    - Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must decide on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination.
  - A party may amend its due process request only if:
    - The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
    - The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing
    - If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again.
  - The school system's response to a due process hearing request: If the school system has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the school system must within ten days of receiving the due process hearing request, send to the parent a response that includes an explanation of why the school system proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the school system used as the basis for the proposed or refused action; a description of



the other factors that are relevant to the school system's proposed or refused action.

- The school system's response does not preclude the system from asserting that the parent's due process request is insufficient.
- Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request.

### Resolution process

Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the school system 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 that includes a representative of the school system who has decision-making authority on behalf of the school system and may not include an attorney for the school system unless the parent is accompanied by an attorney. The parent and the school system determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the school system has the opportunity to resolve the dispute that is the basis of the request for a due process hearing. The resolution meeting need not be held if the parent and the school system agree in writing to waive the meeting or the parent and the school system agree to use mediation to attempt to resolve the due process hearing request.

### The resolution period

If the school system has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation. If the school system is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in the State Board of Education rule, the school system may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request.

The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:

- Both parties agree in writing to waive the resolution meeting;
- After either the mediation or resolution meeting starts but before the end of the
- 30-day period, the parties agree in writing that no agreement is possible;
- If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or school system withdraws from mediation.

If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the school system who has the authority to bind the school system. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process. If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution.

The impartial administrative law judge or hearing officer must not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child. A person who otherwise qualifies to conduct a hearing is not an employee of the Georgia Department of Education or its representatives solely because he or she is paid by Georgia Department of Education to serve as an administrative law judge or hearing officer, must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing, must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures, and must not be previously personally familiar with the specific program or services of the school system at issue in the hearing.

Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific school system or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case when any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties. The ALJ Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts, must possess the knowledge and ability to conduct

hearings in accordance with appropriate, standard legal practice; and must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.

#### Subject matter of due process hearings

The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise.

#### Timeline for requesting a hearing

A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.

#### Exceptions to the timeline

The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the school system that it had resolved the problem forming the basis of the due process hearing request; or the school system's withholding of information from the parent that was required to be provided to the parent. Any party to a due process hearing has the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
- Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
- Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing;
- Obtain written, or, at the option of the parents, electronic findings of fact and decisions.
- Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

- An administrative law judge or hearing officer may bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act.
- Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may testify and the general thrust of their testimony. The parties may agree to settle the matters in dispute at any time whereupon the ALJ, upon written request, shall enter an order dismissing the matter.

A party may file a motion for voluntary dismissal at any time, up until five days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time. Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dismissal. Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal. If the ALJ determines that the motion has been made for good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations. If the ALJ determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing, or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.

The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform with the requirements of law and justice in individual cases under unique or unusual circumstances as determined by the administrative law judge or hearing officer. Parents involved in hearings must be given the right to:

- Have the child who is the subject of the hearing present;
- Open the hearing to the public; and
- Have the record of the hearing and the findings of fact and decisions provided at no cost to parents.

An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a free and appropriate public education (FAPE) only if the procedural inadequacies impeded the child's right to a free and appropriate public education, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free and appropriate public education to the parent's child, or caused a deprivation of educational benefit. Nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering the school system to comply with procedural requirements. Nothing in this Rule shall be construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

The Georgia Department of Education, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public. A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph(s) below.

The Georgia Department of Education must ensure that not later than 45 days after the expiration of the 30-day resolution period or the adjusted resolution time periods that:

- A final decision is reached in the hearing; and
- A copy of the decision is mailed to each of the parties.
- An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided
- Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved

#### Civil Action

Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action. In any civil action, the court receives the records of the administrative proceedings directly from the administrative law

judge or hearing officer, hears additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate. The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.

#### Rule of construction

Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the IDEA, the procedures under IDEA must be exhausted to the same extent as would be required had the action been brought under the IDEA.

#### Attorneys' fees

In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability or to a prevailing party who is the Georgia Department of Education or the school system against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or to a prevailing Georgia Department of Education or school system against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

**Funds under Part B of the IDEA** may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA. If a court awards reasonable attorneys' fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:

- The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
- The offer is not accepted within 10 days; and
- The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer. Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation. A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section. The court may reduce the amount of the attorneys' fees awarded, if the court finds that:

- The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
- The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
- The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or the attorney representing the parent did not provide to the local education agency the appropriate information in the due process hearing request notice.

The provisions of the above paragraph do not apply if the court finds that the State or local education agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.

#### Child's status during proceedings

Except as noted in the State Board of Education Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or school system and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement. If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the school system is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, the school system must provide those special education and related services that are not in dispute between the parent and the school system. If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the school system and the parents.

## **Section 5 – Area of General Supervision V: Readiness for College and Career**

### **State House Bill 400 – Bridge Law**

The BRIDGE (*Building Resourceful Individuals to Develop Georgia's Economy*) Act, **House Bill 400**, was signed into law May 2010 to create an atmosphere motivating middle- and high-school students to learn because they see the relevance of education to their dreams and future plans. The implementation of the BRIDGE Act provides middle- and high-school students with career counseling and regularly-scheduled advisement to choose a focused plan of study.

The most critical parts of the BRIDGE Act mandate all students in middle and high school receive counseling and regularly-scheduled advisement. The second mandate is that students choose a career area, create an Individual Graduation Plan, and graduate high school prepared to go to college or to enter the workforce. The third mandate requires regularly-scheduled advisement for all high- and middle- school students. The new rigorous performance standards and graduation requirements found in Georgia secondary schools better prepare our students and ensure they are prepared to move on successfully from one phase of their educational life to the next, and eventually to become a productive citizen of Georgia's workforce. The BRIDGE Act when coupled with Georgia's economic and workforce development model creates qualified workers to attract strong, stable companies and industries.



### Individual Graduation Plan for 8th grade student

Mountain Education does not provide services to students in sixth, seventh, and eighth grade. However, ME counselors work with students to keep their graduation plan structured to meet the graduation requirements and to qualify for admission to postsecondary education. It is advisable that any changes to the plan be based on career data gathered from career interest inventories.

These changes can be made during the high school ongoing review of the Individual Graduation Plan. During the IGP review, courses completed, schedules, career pathway, postsecondary plans, and related topics can be reviewed and revised, if appropriate, upon approval by the student and the student's parent or guardian with guidance from the student's school counselor.

### Transition Services

Transition is the movement from school to post school environments. It should include the skills necessary for the student to be successful in education, employment, and independent living after completion of high school. Transition requires support from multiple sources for the student and his/her family to make choices, develop connections, and access services. Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP team and is updated annually thereafter. The IEP must include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and (2) the transition services (including course of study) needed to assist the child in reaching those goals. Course of study should focus on instructional and educational classes and experiences that will assist the student to prepare for transition from secondary education to postsecondary life and a regular high school diploma. It should relate directly to the student's post-secondary outcome goals and show how the planned course of study is linked to these goals. The course of study should be meaningful to the student's future and motivate the student to reach successful post school outcomes.

The student should be involved in the transition components of the IEP and should be invited to this portion of the IEP meeting. If the student does not attend the IEP meeting, the school system must take other steps including verbal and written input to ensure that the student's preferences and interests are considered before developing the transition aspects of the IEP. It should also be noted that the parent and student should be aware of other agencies that must be invited to help with successful transition planning.

### **Section 6:**

**State Rule: 160-4-7-.15 Georgia Network for Educational and Therapeutic Support (GNETS)**

### **GNETS Purpose and Services:**

The Psychoeducational Network is known as the Georgia Network for Educational and Therapeutic Support (GNETS). GNETS programs support the local school system's continuum of services by providing comprehensive special education and therapeutic support for the children served. The purpose of the GNETS is to prevent children from requiring residential or other more restrictive placements by offering cost-effective comprehensive services in local areas. Families have the opportunity to be engaged in all aspects of service planning. Child specialists (educators, psychologists, social workers, psychiatrists, behavior support specialists, or etc.) from a variety of professions collaborate on behalf of the children served. All programs may serve children ages 3 through 21 years by the program staff in classes, with direct therapeutic services, evaluation and assessment or other services as appropriate.

The Georgia Network for Educational and Therapeutic Support (GNETS) is comprised of 24 programs which support the local school systems' continuum of services for students with disabilities, ages 3-21. The programs provide comprehensive educational and therapeutic support services 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), autism, and in some instances other health impaired (OHI).

This program is the most restrictive environment for students within the public school system. Typically, a student goes through the continuum of services available prior to being referred to the GNETS program. All GNETS referrals must begin by contacting the ME Special Education Director.

### **Eligibility and Placement:**

Students receiving services through a GNETS program would be referred by ME through the Individual Education Program (IEP) process. The ME campus of referral would continue to be actively involved in the progress of the student attending GNETS throughout the child's tenure there. A Sped. Case Manager from the referring ME campus would remain in place and work collaboratively with the GNETS program in order to remain an active part of the student's IEP progress until the student returned to ME.

### **Transportation and Location:**

ME does not provide transportation to any student.

### **Documentation of On-Going Effectiveness and Improvement:**

All GNETS programs must have an on-going system for documenting effectiveness and program improvement based on Georgia Department of Education (GaDOE) requirements

and guidance from stakeholders. Data would be kept on each ME student to validate program effectiveness through measurement of annual goals/short-term objectives and statewide assessment results.

**Recommended Class Size by Level:**

The recommended maximum class size for high school classes is ten.

**Positive Behavioral Interventions and Supports:**

GNETS programs utilize evidence-based positive behavioral interventions, supports and other strategies designed to increase children’s resilience and social, emotional competence.

**Academic Curriculum:**

The academic curriculum for all children participating in the GNETS program is Georgia’s general education curriculum.

**Non-Academic and Extracurricular Settings:**

Extracurricular activities and athletics are not provided by ME.

**State Rule: 160-4-7-.21 – Definitions (Glossary of Common Terminology)**

**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. Accommodations include 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.

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

**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.

**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.

**Assistive technology device** - Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that 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]

**Assistive technology service** - Assistive technology service means 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, employ, or are otherwise substantially involved in the major life functions of that child.

**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.

**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.

**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]

**Child with a disability** – In general,

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, other health impairment, a specific learning disability, or deaf-blindness and who needs special education and 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.

- A. 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
  - 1. 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
  - 2. Who, by reason thereof, needs special education and related service

**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).

**Core academic subjects** - Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

**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).
- 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 and without disabilities.

**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.

**Eligibility Team** - A group of qualified professionals and the parent of the child, which determines whether the child is a child with a disability and determines the educational needs of the child.

**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.

**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.

**Excess costs** - Those costs that are in excess of the average annual per-child expenditure in the local education agency 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.

**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.

**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.

**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.

**Include** - The items named are not all of the possible items that are covered, whether like or unlike the ones named.

**Individualized education program (IEP)** - A written statement for a child with a disability that is developed, reviewed, and revised in accordance with IDEA 2004.

**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.

**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.

**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.

**Limited English proficient** - Has the meaning given the term in section 9101(25) of the ESEA. Persons who are unable to communicate effectively in English because their primary

language is not English and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English.

**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.

**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.

**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.
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.
3. 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).

**Parent** - (a) Refers to-

1. 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.



- a) 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.
- b) 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."

**Parent training and information center** - A center assisted under sections 671 or 672 of IDEA.

**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.

**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.

**Personally identifiable** - Information that contains-

1. The name of the child, the child's parent, or other family member;
2. The address of the child;
3. A personal identifier, such as the child's social security number or student number;  
or
4. A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

**Related services** -

(a). General. 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 includes 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. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

(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.
2. Nothing in paragraph ((b)(1)) -
  - 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 communication access real-time translation (CART), C-Print, and Type Well; 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 to advance "further education, employment and independent living" of children with disabilities and addresses the student's goals for the educational environment.
- iii. School based physical therapy is a related service provided when it is required to assist a child with a disability to benefit from special education as determined by a student's IEP team.
- iv. 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;
- 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.

16. Transportation includes -

- i. Travel to and from school and between schools;
- ii. Travel in and around school buildings; and
- iii. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

**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.

**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.

**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
- ii. Instruction in physical education.

2. 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;
- 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
  - iii. 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 (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.

**State educational agency (SEA)** - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools.

**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]

**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, considering 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.
3. 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.

**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. **Universal Design for Learning** is a set of principles for curriculum development that give all individuals equal opportunities to learn. Universal Design for Learning provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone--not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs.

**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.

#### **Related Services: Occupational and Physical Therapy Services**

Special education instruction is designed to meet a student's unique educational needs resulting from a physical, emotional, cognitive, and/or communication disability. Related services are those supportive services that may be required to assist a student in benefiting from special education instruction as described in the Individualized Educational Program (IEP). In the educational setting, Occupational Therapy (OT) and Physical Therapy (PT) are necessary services designed to support the student's achievement of the educational goals and objectives as defined in the IEP.

- A. Occupational Therapy (OT) services generally focus on the development and strengthening of sensory motor, fine motor, self-help skills, and the design of

environmental adaptations and adaptive devices to support functioning of individuals with disabilities.

- B. Physical Therapy (PT) services generally focus on the development and strengthening of gross motor skills to achieve increased muscle strength, mobility and endurance to support functioning of individuals with disabilities. Physical therapy services also focus on monitoring the function, fit, and proper usage of mobility aids and adaptive devices.

### Educational Relevance of Therapy

There are significant differences between services that may be required for an individual student due to medical issues and services that may be required for a student to benefit from an appropriate educational program. For example, the medical model for physical and occupational therapy provides rehabilitative treatment for acute and chronic conditions. In the medical model, intensive therapy is often provided during an acute or post-operative phase. Medical/rehabilitative services for disabling conditions may require treatment in a medical rehabilitation setting and *are not* the responsibility of the local school district.

If a student's disability is not interfering with his/her ability to participate in or benefit from an appropriate regular or special education program, the student may *not* require Occupational Therapy and/or Physical Therapy as educationally related services. OT and/or PT Related Services are provided only when necessary for the student to benefit from the Special Education services described in the IEP. The fact that a student may have a diagnosed disability does not in and of itself constitute a need for Occupational or Physical Therapy services. Services for a student with a medically-diagnosed condition or a medical prescription requesting related services *will not be provided* if the student can benefit from appropriate educational program without those services.

Education therapy is provided in the following situations:

- a) Student has met eligibility criteria for special education as per State Special Education Rules.
- b) Therapy has been determined necessary through a documented assessment process, to enable the student to benefit from the Individualized Education Program (IEP).

Medical therapy (not school-based therapy) is provided in the following situations:

- a) Prior to or following surgery;

- b) Acute rehabilitation (i.e., initial therapy for burns, head injury, spinal cord injury);
- c) Therapy deemed necessary but which does not enhance education or IEP goals.
  
- d) Therapy deemed necessary but the student does not qualify for special education programming;
  
- e) Therapy maintenance program if student is functionally independent in his/her educational setting.
  
- f) Therapy rehabilitation program if student is functionally independent in his/her educational setting.

### Evaluation Process for OT/PT: Overview

Evaluation for Occupational and/or Physical Therapy is a comprehensive process to assess a student's functional performance in the educational setting. The extent and nature of the evaluation are determined by the therapist with consideration of the student's disability and how it impacts educational benefit. Whenever possible, therapists use standardized assessment instruments in conjunction with informal procedures.

The evaluation includes a written report indicating the nature and severity of the student's problem. When appropriate, the report also includes a recommendation concerning service options and/or levels of service to be considered by the IEP committee. The evaluation report is completed within 30 school days from the date the referral is received. When the evaluation is completed, the therapist contacts the school staff to schedule an IEP meeting to review the results.

In some cases, student information may suggest that an evaluation for OT or PT be completed during the initial referral process for special education (i.e., when there is substantial documentation that a student's severe physical or intellectual disabilities will prevent him/her from benefiting from education without the support of OT/PT, those services may be required for support with self-help skills or positioning).

### Occupational or Physical Therapy: Referral Process

The decision to make a referral for OT/PT is based on a determination of whether the student is benefiting from his/her special education program. If the parent/teacher determines that the student's IEP goals cannot be achieved without the provision of OT or

PT services, a referral should be initiated. The following procedures are used by the Mountain Education Charter School System:

1. Special education teacher completes the OT/PT referral form and attaches the following: results from a current hearing/vision screening, and the IEP. All this documentation is sent to the Special Education Director.
2. The appropriate therapist will conduct an evaluation to determine whether services are necessary.
3. Following the evaluation, The **OT/PT Evaluation Report** is completed and sent to the referring special education teacher.
4. The special education teacher schedules an IEP meeting for the student, insuring that the Occupational Therapist or Physical Therapist is in attendance.
  1. *(NOTE: If a student is not enrolled or eligible for IDEA special education services and is thought to need related/support services such as OT/PT, referrals should be made through the RTI/SST/504 process.)*
5. If services are indicated, the therapist sends a letter and medical referral form to the physician. *(Current laws of the Georgia State Board of Physical Therapy mandate a physician's referral be obtained prior to the delivery of physical therapy services.)*

#### Initial Placement Procedures for Students Eligible for OT/PT

Students who qualify for Occupational Therapy and/or Physical Therapy, based upon eligibility requirements under IDEA and the initial OT/PT evaluation, may be considered for OT/PT services. An Individual Education Program (IEP) meeting is scheduled to consider Related Services. The IEP committee makes all placement recommendations for students to receive special education services and/or related services. Participants at the meeting should include the following:

- Parent
- Special Education teacher
- Occupational Therapist and/or Physical Therapist
- Regular classroom teacher
- Representative from the Local Educational Agency

If the team agrees that the Related Service is appropriate, the IEP goals and objectives are examined to ensure that they address identified educational needs of the student and should be stated in such a way that they reflect that relationship (i.e., *How will therapy help the student benefit from his/her special education program?*).

Methods of implementation are determined by the therapist and may be reflected in the goals and objectives on the IEP. In determining whether or not assessed educational needs should be met by a therapist, the following criteria should be apparent:

1. Entrance criteria clearly indicate need for service.

2. Activities are educationally related to classroom activities and are designed to enable student to benefit from classroom instruction.
3. Therapy activities cannot be assigned to classroom staff.
4. Student is unlikely to benefit from the special educational activities without Occupational or Physical Therapy.
5. Occupational Therapy/Physical Therapy activities must relate to IEP goals and objectives.
6. Therapy services are necessary to meet IEP goals.
7. Provision of therapy services will improve the student's ability to adapt, thus enhancing potential for learning.

### Service Delivery Definitions for Occupational and Physical Therapy

#### **Direct Services**

Direct service refers to occupational or physical therapy (OT or PT) provided to students primarily by the therapist in collaboration with the student's teacher and other staff. The purpose of direct therapy is to provide training in strategies necessary to reach functional performance on the student's individual education program (IEP) objectives within the educational setting. Direct services are recommended only when the identified problem prevents successful educational outcomes based on IEP objectives and when other personnel cannot be trained to implement the necessary strategies. This service may take place in a variety of environments (i.e., classroom, cafeteria, gym, etc.). Direct services should include some consultation with others, including family members, who need to incorporate specialized training into daily activities.

Direct OT and PT services are listed on the IEP with specific recommendations concerning frequency and duration. IEP goals and objectives that require the support of Occupational Therapy and/or Physical Therapy should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

#### **CONSULTATION**

*Consultation* refers to indirect service where the teacher and other staff are trained by the therapist to assist the student with strategies to meet specified educational objectives. Consultation involves the exchange of ideas and skills among staff related to the educational program for a student and/or development of specialized materials or equipment necessary to assist the student to benefit from his/her educational program. Consultation requires direct interaction between the student and the therapist in natural environments on an ongoing basis. This service may take place in a variety of environments (i.e., classroom, gym, cafeteria, etc.). Consultation is recommended when the

identified problem interferes with, but does not prevent, the achievement of functional performance on the IEP objectives.

Consultation Occupational Therapy and Physical Therapy services are listed on the IEP with specific recommendations concerning frequency and duration. Minimally, consultation services are recommended for one segment per month. A segment may range from 30 to 60 minutes. IEP goals and objectives, which require the support of OT and/or PT, should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

#### Procedures for Students Determined to be Ineligible for OT/PT

If a student initially referred for Occupational Therapy/Physical Therapy is determined to be ineligible for OT or PT services, the student's special education teacher/case manager schedules a meeting to review the OT/PT Evaluation Team Report and recommendations with the student's parent(s).

#### Exit Criteria for OT/PT

A student no longer qualifies for Occupational and/or Physical Therapy services when the therapy is not required for the student to benefit from special education. Factors to consider include the following:

1. The student's IEP goals have been met and no additional services are required.
2. The student's disability ceases to be educationally relevant under regulations of IDEA.
3. Therapy is contraindicated due to a change in the student's medical or physical status.
4. Assessments indicate that the student has reached a point of appropriate positive change.

An IEP meeting with the appropriate participants is required to exit or dismiss a student from any special education or related service(s).

#### **Other Information: Assistive Technology**

Supports for district 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. 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
- 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.

## **State Assessments**

### Participation in Assessments

Students who should participate in the regular assessment are those students whose IEP teams have determined that it is reasonable for them to participate in the statewide or district-wide assessment(s) with appropriate accommodations.

Once it has been determined that the student is going to participate in the regular assessment program, consideration must be given to both instructional and testing accommodations. Many students with disabilities participate in assessments with no accommodations because of the nature of the disability. For example, a student with a speech/language impairment with an IEP for articulation instruction will probably need no accommodations to participate in the regular assessments. A student with a visual impairment who uses large print text for instructional purposes will need large print tests to participate in the regular assessment. Large print tests would be the testing accommodation listed in the student's IEP. The challenge for the IEP team is to look at the instructional accommodations and classroom testing accommodations the student uses and decide which of these is necessary for participation in the statewide assessment. The student needs to be provided with all the required accommodations but not accommodations that would simply be provided. For example, it would be "nice" if all students could have extra time or breaks during the test. The question is "Does this student require these accommodations to participate?" The goal is to allow the student with a

disability the opportunity to participate in/access the assessment in the most standard way possible.

If the student's instruction is an alternate, functional curriculum with GSE components and not the GSE curriculum, the student should be placed on the Georgia Alternate Assessment (GAA). The student assessment program in Georgia is based on those skills and content knowledge that a student acquires through study of content that is in the GSE. A student in a functional curriculum with GSE components would not be studying those skills as extensively as students on the GSE and content that are being tested by Georgia's regular testing program.

Once it has been determined that the student will participate in the Georgia Alternative Assessment, the IEP team begins selecting objectives from the GSE that will assess the student's progress toward his/her goals. All decisions regarding participation in the assessment program are documented in the student's IEP.

### Procedures

In order for the Georgia Department of Education to satisfy the Individuals with Disabilities Education Act (IDEA) requirement for reporting the number and performance of students with disabilities participating in statewide assessments, including alternate assessment measures, Mountain Education properly codes every student with an IEP. Specific directions are provided with the examiner's materials for each statewide test.

Students with disabilities who have an IEP recommending participation in statewide assessments with no accommodations or with accommodations that result in a standard test format should participate in the assessment like all other students.

- Students with disabilities who have an IEP recommending participation in statewide assessments with accommodations that result in nonstandard test format should participate in the assessment with the designated accommodations.
- Students with disabilities with IEPs recommending nonparticipation in statewide assessments must have the type of alternate assessment for the student identified in the IEP and following Georgia Department of Education guidelines for alternate assessment.

### Georgia Alternate Assessment (GAA)

Under the Individuals with Disabilities Education Act (IDEA), all students with disabilities must be considered for participation in all statewide assessments. The decisions regarding



the participation of students with disabilities in statewide assessment must be made on a case-by-case basis and by each student's IEP team. The IEP team should

- a) consider the purpose of the assessment,
- b) consider the feasibility of the student's participation,
- c) determine what accommodations, if any, the student will need and document this in the student's IEP, and
- d) document in the IEP the decision for the student to participate in the assessment or for the student not to participate.

If the student's IEP team recommends that she/he not participate in the statewide assessment, then the IEP must document the reason the student will not participate, and then identify how the student will be assessed. The IEP should be completed early enough in the school year to permit adequate preparation and to allow sufficient time to order materials. Since the GAA has administration periods throughout the school year, it is very important that the decision to participate in GAA is made early.

#### Standard and Nonstandard (Conditional) Administration

**Standard administration** refers to testing conditions in which the procedures and directions included in the administration manual are followed ***exactly***.

**Nonstandard administration** refers to testing conditions in which the procedures and directions included in the administration manual are ***not followed exactly***. The state now uses the term **conditional**.

For a student to be administered a test in a nonstandard format, the student must have an IEP that specifies special accommodations. A few accommodations, such as large-print test materials or test administration in a small group, may fall within a *standard* administration format (specific information is given in each test manual). Other accommodations result in a *nonstandard* administration. It must be noted that not all tests have a nonstandard administration. Other state tests, however, according to the specific test manual, will specify standard and conditional testing accommodations. Whether a standard or a conditional administration is given, the recommended accommodation(s) identified in the student's IEP must be provided. The students' test protocols must be coded to reflect a standard or non-standard/conditional test administration to provide data on the number and performance of students with disabilities on assessments as required by the IDEA. Modifications for any assessments determined by the IEP team to be modified in such a way that causes it to be "nonstandard" or "conditional" need to be thoroughly discussed as to the reason for the possibility of a nonstandard administration.

### **Senior Summary of Performance**

For a student whose eligibility ends due to graduation with a general education diploma, certificate of attendance, or to exceeding the age requirements, ME provides the student with a *summary* of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting his/her postsecondary goals. The purpose of the Summary of Performance is to provide strategies for successful transition with needed supports.

### **Understanding Vocational Rehabilitation Services**

The purpose of the Vocational Rehabilitation (VR) program is to assist eligible persons with physical, mental, or emotional disabilities to prepare for, obtain, regain and/or maintain employment. Each referral is different and no applicant is the same. When determining eligibility, the VR Counselor must make the determination on a case-by-case basis. Though a student is found eligible for special education services while in school based on his or her educational needs, he or she may not be automatically eligible for services through VR. When considering who may be eligible for VR services, keep in mind the main goal of the VR service program, “To assist individuals with disabilities to enter the workforce.” To accomplish this goal, the disability must impede the applicant’s ability to obtain and retain employment.

### **Georgia Special Needs Scholarship**

The **Georgia Special Needs Scholarship** provides eligible special education students with the opportunity to attend another public or an approved private school. See the “Questions and Answers” documents on the GA DOE website at [www.doe.k12.ga.us](http://www.doe.k12.ga.us) for more information about the program.

#### Special Needs Student Scholarship Eligibility Criteria

- The student’s parent currently resides within Georgia and has been a Georgia resident for at least one calendar year; and
- The student has spent the prior school year in attendance in a Georgia public school in grades K-12 and was in attendance on both previous October and March FTE counts; and
- The student was served under an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations at any point during the previous school year; and
- The Student is enrolled at one of the state’s approved participating private schools by the state assigned date—no exception.

### Not Eligible for the Program

- Toddler and Pre-K students are not eligible. Students must complete one school year in grades K-12 in a Georgia public school before they are eligible for a scholarship.
- Students not enrolled and not reported in both the October and March FTE counts in the previous school year are not eligible.
- Students who were not served under an IEP in place during the previous school year are not eligible.
- A home school operating under O.G.C.A. 20-2-690 is not eligible to enroll scholarship students.
- Residential treatment facilities (licensed) are not eligible to enroll scholarship students.
- Department of Juvenile Justice Schools and students are not eligible for the scholarship.

### Steps to Apply for a Scholarship

If interested in applying for a Georgia Special Needs Scholarship, parents must go to the GA DOE website after May 1. At that time, the parent will download, read and follow the “Directions to Apply” in the “For Parents” box to apply for the new school year.

### Parental Responsibilities

- Determine child’s eligibility and scholarship estimate on the website. Make at least two copies of the sheet. Save one for records;
- Complete and submit the electronic Parent Intent Form on the website;
- Download the list of approved private schools from the website beginning in mid-February. This list will be updated monthly through July;
- Apply and enroll the child at one of the approved private schools before given date in September; Parent must provide the private school with the child’s scholarship calculation sheet or the child will not be eligible; and
- Withdraw the child from the public school.

### **Georgia Learning Resources System (GLRS)**

The **Georgia Learning Resources System (GLRS)** is a teacher support system for special educators and other professionals who work with exceptional children. GLRS is part of a nationwide network of Special Education Learning Resource Centers. Within Georgia there are 16 GLRS centers coordinated by the Division for Exceptional Students of the Georgia

Department of Education. They are in Albany, Atlanta, Augusta, Cleveland, Columbus, Ellijay, Griffin, Macon, Newnan, Savannah, Scottsdale, Summerville, Vidalia, Waycross, Winterville, and Wrightsville. Each center serves approximately ten to thirty surrounding counties, enabling individuals to reach a center without traveling more than about 60 miles. ME is part of **PIONEER RESA** located in Cleveland, Georgia.

### What Services Does GLRS Provide?

1. GLRS maintains an instructional materials center where special educators can preview and borrow materials. The collection includes diagnostic materials, teacher training, and professional materials and child use instructional materials. Materials are loaned on a short-term basis to provide educational intervention for children, to be used by teachers for trial or preview or to help facilities selection and purchase decisions.
2. GLRS provides in-service training through workshops and conferences on effective use of media and education equipment, new teaching techniques and methods, and innovative instructional materials. Every effort is made to provide workshops that directly relate to the identified needs or interests of each school system.
3. GLRS maintain a video-tape collection of outstanding special education workshops that have been conducted throughout Georgia. In addition, exemplary special classrooms can be videotaped. These tapes may be borrowed for workshops, in-service meetings or individual previewing.
4. GLRS sponsors various special projects to introduce innovative ideas and materials being used successfully with exceptional children across the nation.
5. GLRS acts as an information interchange network. Information is disseminated to special educators about the various areas of exceptionality, exceptional children in Georgia, and meetings and conferences of interest to special educators.
6. GLRS provides information and referral for diagnostic services and educational planning for the severely disabled child.
7. GLRS provides coordination and support for Child Serve Activities.

### Who Can Use the Services of GLRS?

Any individual who works with exceptional children may use the services of GLRS. This includes teachers, administrators, teacher trainers, college students, psychologists, counselors, therapists, etc. Persons needing help should contact the GLRS Director, at PIONEER RESA, Phone: (706) 865-2141 , Website: [www.pioneerresa.org](http://www.pioneerresa.org)

### **Other Health Impaired**

Students who have been appropriately diagnosed with some form of attention-deficit (ADD)/hyperactivity disorder (ADHD) may be served in programs for **Other Health Impairments**; however, just because a student has such a diagnosis does not mean he or

she is automatically eligible for OHI services. Students with ADD/ADHD must meet the same criteria as students with other forms of health impairments.

The State Regulations indicate that students who are eligible for *Other Health Impairment* services experience limited alertness (or heightened alertness to environmental stimuli) that adversely affect educational performance to a degree of severity as to require special education to meet the unique needs of the student.

For example, with appropriate medical interventions and educational accommodations, a student with diabetes may perform adequately within the regular education program and would not be considered eligible for OHI services. Another diabetic student's condition may be so severe that they do not have the physical stamina to perform in the regular education program, and special education services are needed for this student's needs to be met in the school setting. The same is true for ADD/ADHD students. **The determination of eligibility must be done on an INDIVIDUAL CASE BASIS.**

Before a student with ADD/ADHD is referred for consideration for Other Health Impaired (OHI) services, an intervention plan should be implemented within the regular education program. **If data documents that interventions in regular program are unsuccessful, the Student Support Team then will refer the student for an evaluation of special education eligibility that must include a complete psychological evaluation.** Most students' needs with ADHD can be met through Tiers I through III, SST and/or 504 accommodations. If a child is referred for testing and does not have a previous diagnosis of ADD/ADHD, then the initial eligibility process will look at behaviors and academics to determine if the child is a child with a disability. A school psychologist cannot diagnose ADD/ADHD for the purposes of eligibility for special education under the category of Other Health Impaired. A clinical psychologist or physician must diagnose the ADD/ADHD for the eligibility team to consider Other Health Impaired.

### **Additional Information and Procedures**

Approximately 4 weeks prior to meeting	<ul style="list-style-type: none"><li>● Contact team members to inquire about available dates.</li><li>● Make sure any/all formal assessments have been completed and results available.</li><li>● Consider any/all assessment data needed be to explain and/or discussed at the meeting to assist the team in making appropriate educational decisions.</li><li>● Gather data to support writing the IEP.</li></ul>
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<p>Approximately 2 weeks prior to meeting</p>	<ul style="list-style-type: none"> <li>● Schedule date for meeting.</li> <li>● Send meeting notifications-Notify parents in writing of meeting date to give them ample notice of their attendance. A minimum of three attempts must be made to involve parents. One attempt must be in a written notice.</li> <li>● Obtain excusal letters for required members.</li> <li>● Notify team members of date of meeting(s) in writing.</li> <li>● Determine where meeting will be held.</li> <li>● Review current IEP to determine which goals/objectives have or have not been met.</li> <li>● Gather examples of student work to support discussion in the meeting.</li> <li>● Prepare the draft IEP.</li> </ul>
<p>Approximately 1 week prior to meeting</p>	<ul style="list-style-type: none"> <li>● Send meeting reminder to all participants.</li> <li>● Prepare a meeting agenda.</li> <li>● Review draft IEP for errors in grammar, spelling, etc.</li> </ul>
<p>1-2 days prior to meeting</p>	<ul style="list-style-type: none"> <li>● Make copies of all materials needed for team members. Be sure to make a copy of parent rights to offer/provide for the parent(s).</li> <li>● Check meeting space-be sure to have enough seats for participants.</li> <li>● Notify office personnel of scheduled meetings.</li> </ul>
<p>Day of Meeting</p>	<ul style="list-style-type: none"> <li>● Notify office personnel of meetings to be held so they can notify you when parents arrive.</li> </ul>

	<ul style="list-style-type: none"> <li>● Arrive early to make sure the meeting space is set up properly.</li> <li>● Be sure notepads/paper/pens/pencils are available.</li> </ul>
<p>Beginning the meeting</p>	<ul style="list-style-type: none"> <li>● Distribute agenda to participants. Share time parameters set aside for meeting so that everyone can stay focused and those who have other duties can return to them in a timely manner.</li> <li>● Welcome participants.</li> <li>● Make introductions.</li> <li>● Explain the purpose of the meeting-ask participants to remain focused on the student needs.</li> </ul>
<p>Conduct the meeting</p>	<ul style="list-style-type: none"> <li>● Be sure to take minutes or designate someone to take them for you.</li> <li>● Provide parents a copy of parent rights-ask if they need an explanation of anything covered in the rights.</li> <li>● Give parents copy of scholarship letter</li> <li>● Have parents sign for acceptance.</li> <li>● Review draft-make sure all demographic information is correct before moving into the heart of the IEP.</li> <li>● Begin by making a positive statement about the student.</li> </ul>

	<ul style="list-style-type: none"> <li>● Ask parents to share relevant information about the child. Encourage their participation.</li> <li>● Reach consensus relative to goals/objectives.</li> <li>● Recap services being offered and final decisions made.</li> <li>● Obtain signatures of all meeting participants.</li> <li>● End meeting on a positive note by thanking parents/team members.</li> <li>● Make any changes to draft IEP before providing a copy for parents. (Be sure “Draft” is on each page of a draft IEP).</li> </ul>
<p>After the meeting</p>	<p>Be sure that signatures are included on the paperwork. Send copy to parent.</p> <p>Ensure the IEP is in the Student Information System IEP Program.</p>

**Meeting Etiquette for All Members**

The meeting facilitator should:

- Be open and encouraging
- Serve as a catalyst by posing questions
- Maintain harmony; remind participants of shared goals and appropriate meeting behaviors
- Not ramble
- Not control or dominate the discussion
- Use and elicit “We” behaviors
- Exercise follow-up questions
- Discuss follow-up options if consensus cannot be reached on an issue



Meeting Participants should:

- Stay focused during the meeting; don't ramble-stay on topic
- Organize and assemble your information to share
- Not engage in side conversations
- Demonstrate a "We" attitude

Dealing with Difficult Situations- If a meeting becomes difficult, facilitators should use the following tips to maintain a functional meeting:

- Remember everyone wants to be heard
- Stay calm. Don't be defensive
- Watch body language and voice tone. Sandwich problematic issues with positive statements. Disgruntled parents walk away upset because of poor communication.
- Do not take complaints personally. Stay focused.
- Adjourn the meeting if it becomes non-productive and reconvene at a later date
- Keep sound data on student progress of meeting goals/objectives

6 things that can slow a meeting down – during a meeting, avoiding these problems can lead to a more productive and shorter meeting. Whether you're a facilitator or a participant, avoid the following behaviors:

- Do not start the meeting late- Arrive early
- Do not interrupt others while they are talking
- Do not come in and out of the meeting
- Do not have side conversations
- Do not make sarcastic comments
- Do not leave the meeting to get items you forgot to bring – be prepared.

### **IEP Meeting Agenda**

1. Welcome

2. Introductions

3. Purpose of Meeting

4. Parental Rights-offer to assist parents and document acceptance/or not accepted

## 5. IEP

### **Caseload Manager Responsibilities**

#### **Know Your Students' IEPs**

A student's IEP is reviewed at least once annually, but may have been or need to be amended during the school year several times. Keep track of student progress to make sure the current placement and IEP are appropriate. Collect data.

Read IEPs from beginning to end to make sure you know all the specifics stated in the minutes. All the important information may not be found in the "boxes" or "summary" areas! IEPs may have specific requirements written in the narrative minutes for which you are responsible!

#### **Make Sure IEPs Are Fully and Accurately Implemented**

Hours of service stated in an IEP must match that student's schedule. **Make sure to check each student's schedule to IEP match up.** This is especially important at the beginning of each school year.

#### **Prepare Paperwork in a Timely, Efficient, and Accurate Fashion**

There are many varied forms of special education paperwork for which you will be responsible.

**This paperwork must be prepared accurately and submitted on time!** Your Sped. Regional Coordinator is available to assist you with these requirements. If you do not understand or need assistance of any kind, please go to that person.

#### **Distribute IEP Accommodations**

IEP Accommodations Pages for every student on your caseload should be made available to all special education and regular education teachers who have that student in a class. This information should be provided to teachers through the SIS (Ontrack under program notes) to assist them in planning for special education students and their needs.

Remember to send out this information on any new students who may be added (through transfer or new eligibility) to your caseload during the year. Teachers will not know about the legally binding accommodations listed in the IEP unless you prepare (as necessary) and share with them.

#### **Monitor Student Progress**

The case manager must monitor both the academic and behavioral progress of students you teach (and especially those on your caseload). This information should be shared with parents on a regular basis through telephone contact or by sending home informal progress reports.

The case manager should contact parents at the beginning of the school year to introduce himself/herself to parents. You may do this during open house, telephone call, or by mailing a note home.

IEPs must state specifically how parents are to be kept informed. Make sure you have read the minutes section of all IEPs for this and other specific information you need to know.

**Complete Testing and Re-evaluation Packets When Due**

Eligibility determination must be completed every three years, however at ME we complete a Re-evaluation Review Conference yearly as best practice. It is the Sped. Case Manager’s responsibility to maintain a current eligibility on all students.

**Participate in Eligibility Meetings (when applicable)**

When a new student enters a special education program and is assigned to your caseload or one of your current students is referred for a comprehensive psychological reevaluation, you will participate in an IEP/Eligibility Meeting, which will likely include the school psychologist. As the case manager, you may be responsible for gathering some additional data (ratings/surveys) or other information needed as part of the eligibility determination process.

Forms	When to Use
Notification of Meeting	Must have a new one for every meeting held. Attach to top of IEP.
Demographic Information Page	1 <sup>st</sup> page of the IEP. Be sure to update information.
Meeting Minutes	This information can be placed in the “IEP Planning Meeting” section. Include a

	summary of the meeting-options for placement that were considered/rejected/accepted. Read aloud to determine if anything should be added or changed.
Present level of Academic Achievement and Functional Performance (includes more than test scores)	Include in every IEP-discuss strengths, weaknesses, and specific needs of student. There must be an IEP goal to address needs indicated within the PLAAFP. Include evaluation information including standardized testing results, benchmark assessments, etc. Parental concerns must also be included.
Consideration of special factors	Answer every question- please pay close attention to the Assistive Technology Question and remember to include all forms of AT that the student needs.
Behavior Intervention Plan	Must include one for all EBD students. This may also be included for students who may have some behavior problems, but are not EBD.
Annual Goals/Objectives	Should be obtainable within one year. Must be connected to Present-Levels-must be reviewed several times during the school year (monthly during SARS Meetings).
Report of Student Progress	Give specific dates for progress on IEP goals to be reported to parents and adhere to the dates included in the IEP.

<p>Student Support (Modifications/Classroom/Testing)</p>	<p>Must be included in every IEP, must be specific, classroom &amp; testing must match.</p> <p>List accommodations/modifications separately for each assessment-If GAA is recommended.</p>
<p>Assessment Determination for district and statewide assessments</p>	<p>Provide statement for why the student cannot participate in the regular assessment.</p>
<p>Instruction/Related Services in Classroom</p>	<p>Include classes/segments/service provider.</p>
<p>Transition Plan-invite students to the IEP meeting to help develop transition plan</p>	<p>Must be completed upon entering 9<sup>th</sup> grade or reaching 16 with teacher, parent, and student. Use the ME Transition Mapping Document for guidance.</p>
<p>Documentation of Notification</p>	<p>Please note how the parents were notified of the IEP meeting and dates of notifications.</p>
<p>Parent Participation</p>	<p>Document specific information and how information was provided to parents. Must have documentation of contracts w/dates, must have parent signature for attending/not attending meeting.</p>
<p>Signature Page</p>	<p>Secure signatures of IEP team and date as a form of best practice.</p>

Parental Consent for Placement/Dismissal	Must have signature of parent before services begin or end.
Extended School Year (ESY)	Must be discussed and addressed in the IEP.
Eligibility Re-Evaluation Review Conference Form	Must be included if student is due for re-evaluation (ME completes yearly as best practice).

**Responsibilities of Participants in IEP meetings**

Special Education Teacher/Sped. Case Manager

1. Serves as the minute-taker at all meetings
2. Provides input regarding eligibility
3. Ensures that all components of the IEP are addressed
4. Provides input regarding placement
5. Explains special education services to parents
6. Obtains appropriate signatures on all documents

**Representative of the Local Education Agency (LEA)**

1. This person may be the Special Education Director, building level campus administrator, Special Education Regional Coordinator, Counselor, or the Special Education Dept. Head.
2. This person is qualified to provide or supervise the provision of specifically designed instruction to meet the needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the resources within Mountain Education.
3. Provides input regarding eligibility, IEP/Placement
4. Reviews and signs all appropriate documents

General Education Teacher

1. Describes the strengths and weaknesses of the student

2. Describes modifications and the impact of these modifications on performance
3. Provides input regarding eligibility, IEP/Placement
4. Reviews and signs all appropriate documents

#### Parent

1. Describes their concerns for the student
2. Provides input regarding eligibility, IEP/Placement
3. Reviews and signs all appropriate documents

Psychologist (attends all eligibility meetings and IEP meetings upon request).

1. Explains evaluation results and ensures that all components for eligibility are addressed
2. Ensures that eligibility report is signed, checked and dated
3. Provides input regarding IEP/Placement
4. Reviews and signs all appropriate documents

#### Other Participants

1. Provides input regarding eligibility, IEP/Placement
2. Reviews and signs all appropriate documents

## **WHAT ARE ACCOMMODATIONS?**

Accommodations are changes in the administration of an assessment in terms of how the student takes or responds to the assessment. Broad categories of accommodations include presentation, response, setting, and scheduling. Accommodations do not change the construct intended to be measured by the assessment or the meaning of the resulting scores.

Accommodations are designed to provide equity, not advantage, and serve to level the playing field for students with disabilities. When used appropriately, they reduce or even eliminate the effects of a student's disability; they do not reduce learning expectations. The accommodations provided to a student must be the same for classroom instruction, classroom assessments, and state assessments. It is critical to note that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized

assessment. There may be consequences (e.g., invalidating a student’s test score) for the use of some accommodations during state assessments.

It is very important for educators to become familiar with state policies regarding accommodations during assessments. In Georgia, accommodations may not alter, explain, simplify, paraphrase, or eliminate any test item, reading passage, writing prompt, or answer option. Further, accommodations may not provide verbal or other clues or suggestions that hint at or give away the correct response to the student. Typically, accommodation use does not begin and end in school. Students who use accommodations will generally also need them at home, in the community, and as they get older, in post-secondary education, and at work. Accommodations for instruction and assessment are integrally intertwined. However, some accommodations are appropriate for instruction and not assessment.

### **DESCRIPTION OF ACCOMMODATION CATEGORIES**

Accommodations are commonly categorized in four ways: presentation, response, setting, and scheduling:

- **Presentation Accommodations** — adjusts the presentation of test material and/or test directions
- **Response Accommodations** — adjusts the way students respond to or answer test questions
- **Setting Accommodations** — adjusts the place in which the testing normally occurs
- **Scheduling Accommodations** — adjusts the time allowance or scheduling of a test

### **STUDENTS ELIGIBLE FOR ACCOMMODATIONS**

In Georgia, three groups of students are eligible for accommodations – students with an Individualized Education Program (IEP), students with an Individual Accommodation Plan (IAP), also known as a Section 504 plan, and English Language Learners with a Test Participation Plan (ELL/TPC). This manual addresses the use of test accommodations for students with disabilities.

This manual does not address accommodations for Section 504 students or ELL students.

### **REQUIREMENTS FOR USE OF ACCOMMODATIONS**

Accommodations must adhere to the following principles:



- accommodations should enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills
- accommodations must be based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting
- accommodations must be justified and documented in the student's IEP or IAP
- accommodations must be aligned with and be a part of daily instruction; accommodations must not be introduced for the first time during the testing of a student
- accommodations should foster and facilitate independence for students, not dependence
- only accommodations listed as approved in Georgia's *Student Assessment Handbook* may be used on state-mandated tests

### **MODIFICATIONS VERSUS ACCOMMODATIONS**

Accommodations do not reduce learning expectations. They provide access. However, modifications or alterations refer to practices 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. Examples of modifications include:

- requiring a student to learn less material (e.g., fewer objectives, shorter units or lessons, fewer pages or problems)
- reducing assignments and assessments so a student only needs to complete the easiest problems or items
- revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four)
- giving a student hints or clues to correct responses on assignments and tests

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. Providing a student with an unapproved modification during a state mandated assessment constitutes a

test irregularity and may result in an investigation into the school's or system's testing practices, as well as an invalidation of the student's score.

## **QUESTIONS TO GUIDE ACCOMMODATION SELECTION**

Selecting accommodations for instruction and assessment is the role of a student's IEP team or IAP (Section 504) committee. Use the questions provided below to guide the selection of appropriate accommodations for students with disabilities for the first time and for students who are currently using accommodations:

- What are the student's learning strengths and areas that need improvement?
- How does the student's learning needs affect the achievement of grade-level content standards?
- What specialized instruction (e.g., learning strategies, organizational skills, reading skills) does the student need to achieve grade-level content standards?
- What accommodations will increase the student's access to instruction and assessment by addressing the student's learning needs and reducing the effect of the student's disability? These may be new accommodations or accommodations the student is currently using.
- What accommodations does the student use regularly during instruction and classroom assessment?
- What are the results for assignments and assessments when accommodations were used and not used?
- What is the student's perception of how well an accommodation worked?
- What difficulties did the student experience when using accommodations?
- What are the perceptions of parents, teachers, and specialists about how well the accommodation worked?
- Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?
- Are there effective combinations of accommodations for the student?
- How will the use of accommodations impact the interpretation of the student's scores?

Of the accommodations that match the student's needs, consider:

- the student's willingness to learn to use the accommodation
- opportunities to learn how to use the accommodation in classroom settings
- conditions for use on state assessments

Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment

accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student's use of accommodations.

### **Specially Designed Instruction vs. Differentiated Instruction**

Specially designed instruction is intended only for students receiving special education services and follows the IEP for each student. Specially designed instruction is designed to ensure access to the general curriculum through accommodations or modifications so that the student can meet the same academic standards as his/her nondisabled peers and to ensure progress toward meeting IEP goals and objectives. Differentiated instruction applies to all students, including students with disabilities.

**Specially Designed Instruction:** Specially Designed Instruction (SDI) for children with disabilities is a requirement under the Individuals with Disabilities Education Act (IDEA), the federal law governing special education programs. SDI refers to the teaching strategies and methods used by teachers to instruct students with disabilities. Specially designed instruction can/should include Universal Design for Learning (UDL), Explicit Instruction (EI), and Differentiated Instruction (DI).

### **Differentiated Instruction:**

- Ongoing Assessment (pre-assessment, formative, summative)
- Applies flexible grouping
- Considers student choice (readiness, interest, learning profile)
- Can occur through content, process, product of lesson/standard/assignment

### **CHECKLIST FOR EFFECTIVE COLLABORATIVE/CO-TEACHING PRACTICES**

1. A positive collaborative atmosphere must exist in the classroom
2. Each teacher demonstrates a positive attitude of mutual respect and support toward co-teaching partner
3. Special education teacher is made to feel welcome in the classroom and is treated as an equal professional
4. Both teachers are thought of as "equals" by students
5. A system of conflict resolution is in place to resolve professional differences
6. A problem-solving system is in place to resolve difficulties with students
7. Both teachers are familiar with every student in the classroom
8. Goals are cooperatively established and prepared by both general and special education teachers
9. Discipline is consistent no matter who is teaching
10. Expectations are expressed and consistent on the part of both teachers
11. Structure and consistent routines are evident in the classroom

12. Teachers plan for and instruct classes jointly, utilizing each person's skills, competencies and interests
13. Both teachers teach all students
14. Both teachers are involved in assessment, program development and grading for the students with disabilities
15. Both teachers participate in parent conferences, IEP development, etc., for students with disabilities
16. Special education teacher has easy access to all curriculum materials
17. Special education teacher adapts lesson plans, methods and materials for students with disabilities. Both teachers are open and willing to learn and implement new strategies for effective teaching for all students
18. Both teachers seek and participate in staff development related to collaborative/co-teaching practices
19. Both teachers use a variety of instructional strategies