

Effingham County School District
Special Education
Procedures Manual
2025/2026 Edition

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This manual should be used as a guide for implementation and of the Georgia Rules for Special Education. The purpose is to provide guidance on rules and best practices for implementation of the Individual with Disabilities Education Act of 2004 (IDEA) and its regulations. This manual is routinely under revision.

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Introduction

The Effingham County School District (ECSD) provides this Special Education Procedures Manual as a supplemental document and resource to accompany the Georgia Department of Education's Rules and Implementation Manual. The purpose of this manual is to provide guidance for implementing the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). This manual does not replace or supplant any Code of Federal Regulation or state rule. Please refer to the Georgia Department of Education (GADOE) Special Education Rules and Implementation Manual for specific questions regarding rules, laws, and state policies. Throughout this manual, ECSD and the Local Education Agency (LEA) are both used interchangeably. ECSD is the LEA.

This manual provides procedures and practices that are specific to ECSD as well as references to state rules. Every special education teacher and service provider in ECSD is expected to be familiar with and adhere to the expectations, policies, and procedures in this manual. Each special education teacher and service provider is expected to review this manual and provide documentation upon completion. Training on policies and procedures is provided through the Department of Exceptional Students. This manual is in addition to training and will provide guidance to assist staff in providing a Free Appropriate Education (FAPE) to our students which will enable them to make appropriately ambitious progress and to achieve post-secondary success. In addition to this procedures manual, staff have access to additional training materials.

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Vision, Mission, and Beliefs

Vision of Effingham County Schools: Engaging learners for future success.

Mission of Effingham County Schools: Make every moment count because every student matters.

We Believe:

- student engagement is key to success
- in high expectations for all
- that learning is a shared responsibility
- in supporting the whole child
- a positive, caring staff makes a difference
- in safe learning environments
- everyone should be treated with respect

Chapter 1 Free Appropriate Public Education (FAPE)

State Rule: 160-4-7-.02

The special education and related services that make up a Free Appropriate Public Education (FAPE) are provided to children identified with disabilities who have an Individualized Education Program (IEP) at no cost to the parent. Special education and related services, including special education at the preschool, elementary, and secondary levels, are services that are provided so eligible students can make progress toward and/or meet the educational standards of Georgia. All students will be provided an education that includes access to the curriculum and addresses the unique needs of the individual student and his or her disability. While the education provided to the student with an IEP must be appropriate and must address what the individual student needs in order to make educational progress, this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a student is receiving FAPE. Each student is an individual and his or her appropriate education is determined on a case-by-case basis.

FAPE Inclusive for Students Aged 3 - 21: Full Educational Opportunity

In the Effingham County School District (ECSD), special education and related services are provided so eligible students with disabilities can make progress pursuant to federal law and Georgia standards. All students with disabilities ages 3-21 will be provided an education that provides access to state standards and meets the individual and unique needs of each student with a disability.

FAPE for Students aged 22

The following local procedure applies to ECSD students with IEPs:

1. A Student is not entitled to FAPE or other Individuals with Disabilities Education Improvement Act of 2004 (IDEA) rights once he or she reaches their 22nd birthday. Students will not return to school after the 22nd birthdate.
2. Parents will receive Prior Written Notice (PWN) related to Graduation or 'Age Out' the semester before the student turns 22.
3. Whether graduating or aging out, exit meetings will be scheduled for the purpose of transitioning students to a desirable post-secondary outcome in collaboration with other agencies or supports.
4. Students will be provided with a Summary of Performance (SOP) stating his or her academic and functional needs including a list of strategies to assist in achieving post-secondary goals. The SOP is generated in GO-IEP based on the student's current IEP.

FAPE Provision by 3rd Birthday

ECSD ensures that:

1. The obligation to make FAPE available to each eligible child residing in ECSD jurisdiction begins no later than the child's third birthday; and
2. An IEP or an IFSP is in effect for the child by that date. [34 C.F.R. § 300.101(b)(1)(i) – ii]; and

3. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. [34 C.F.R. § 300.101(b)(2)]; and
4. The determination that a child described above is eligible under this part, must be made on an individual basis by the group responsible within ECSD for making eligibility determinations. [34 C.F.R. § 300.101(c)(2)] [Rule 160-4-7-.0]

Child Find includes early intervention services for children from birth to age three (these children are served by Babies Can't Wait (BCW) until they reach the age of three). BCW is Georgia's statewide interagency service delivery system for infants and toddlers with developmental delays or disabilities and their families. BCW is established by Part C of the Individuals with Disabilities Education Act (IDEA) which guarantees all eligible children, regardless of their disability, access to services that will enhance their development. The Coordinator of Exceptional Students supervises BCW transitions. ECSD also assigns a school psychologist as a liaison to BCW.

FAPE for Incarcerated Students

ECSD provides FAPE to students incarcerated within the system's jurisdiction who have an IEP. The ECSD High School Program Manager coordinates with the local law enforcement agency/jail to coordinate the provision of services for the incarcerated student.

Definition of Regular High School Diploma

A Regular High School Diploma is awarded to students certifying that they have satisfied attendance requirements, unit requirements, and the state assessment requirements as referenced in Rule 160-3-1-.07. The term Regular High School Diploma does not include an alternative degree that is not aligned with academic standards of Georgia, such as a special education diploma, certificate of attendance or a general educational development credential (GED). A Program Manager serves as liaison for transition and high schools for ECSD. For more information about definitions of diploma types, please see the ECSD Student and Parent Handbook.

State-Defined Alternate Diploma

The State-Defined Alternate Diploma is awarded to students with significant intellectual disabilities or intellectual disabilities concurrent with motor, sensory or emotional/behavioral disabilities who require substantial adaptations and support to access the general curriculum and who receive instruction using the Alternate Content Standards. They require additional instruction focused on relevant life skills and participate in the Georgia Alternate Assessment (GAA). It may be issued for students who entered ninth grade during the 2020-2021 school year and beyond. The State Defined Alternate Diploma does not terminate FAPE for students with an IEP.

The State-Defined Alternate Diploma is received when the student's IEP team determines that the student has:

1. Completed an integrated curriculum based on the Georgia Standards of Excellence (GSE) that includes instruction in Mathematics, English/Language Arts, Science and Social Studies as well as career preparation, self-determination, independent living, and personal care to equal a minimum of 23 units of instruction; however, the ECSD requires 24 units of instruction.

2. Participated in the GAA during middle school and high school, and
3. Has transitioned to an employment/education/training setting in which the supports needed are provided by an entity other than the local school system.

Special Education Diploma

The Special Education Diploma is awarded to students with disabilities assigned to a special education program who have not met the state requirements referenced in Rule 160-3-1-.07 Testing Programs - Student Assessment, nor completed all of the requirements for a high school diploma, nor meet all requirements for the State Defined Alternate Diploma, but who have nevertheless completed their IEP.

Certificate of Attendance

The Certificate of Attendance is awarded to students, regardless of disability, who do not meet the requirements of any of the above diploma types.

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 diploma) are not full credentials and allow a student with an IEP the right to return to school until such time as his or her eligibility for FAPE ends, which is the 22nd birthday.

Promotion and Retention

Promotion standards for students with disabilities will be established by the student's IEP team with consideration given to grades, progress towards IEP goals, and student performance on Georgia Milestones or the GAA and as determined by the student's IEP committee. The student's IEP Team shall act as the student's placement committee.

Delay of Services Not Allowed

ECSD ensures that there is no delay in service(s). Upon an IEP Team decision, there will be no delay in the start date of special education or related service. All service start and end dates will be documented in the IEP. Special Education teachers receive training annually in writing compliant IEPs.

Medicaid Payment Allowances and Limitations

ECSD provides health-related services to students in accordance with his/her IEP or Individual Service Plan (ISP). Currently, ECSD, with parental consent, bills Medicaid through a third-party billing agency (Medical Provider Services, Inc, d/b/a SES) for the following services as long as a treatment plan is signed by the primary care physician and is currently within one year: Speech/Language, Occupational Therapy, Physical Therapy, and Nursing. ECSD cannot bill Medicaid without parent/guardian consent. Consent must be obtained once. Parents can withdraw consent at any time by informing the school system, in writing, that they no longer wish to allow Medicaid to be billed. Each IEP will document that the student has access to nursing services and/or related services. Therapists and nurses receive annual training on Medicaid billing procedures. ECSD employs a Medicaid Billing Nurse who oversees Medicaid billing for ECSD and also provides training and support for staff.

Notice to Parents Regarding Use of Benefits

ECSD provides health-related services to students in accordance with his/her Individualized Education Program or Individual Service Plan. Currently, ECSD does not bill private insurance providers. See Medicaid Payment Allowances and Limitations above for additional information.

Residential Placement

IEP Teams in ECSD consider the full continuum of services. If an IEP Team determines that the least restrictive environment (LRE) for a student is a residential placement, it will be provided at no cost to the parent. If placement in a public or private residential program is considered to be the LRE and is necessary to provide special education and related services to a child with a disability enrolled in ECSD, the program, including non-medical care and room and board, must be at no cost to the parents of the child. ECSD will adhere to guidance from Georgia Department of Education (GaDOE) when considering sites that have been vetted and recommended.

Provision of Accessible Instructional Materials

ECSD provides instructional materials in an accessible format to students who are blind or other print disabled in a timely manner as part of the provision of FAPE. Accessible formats include braille, audio, digital text, or large print, but do not include the altering or modifying of the content. These materials are produced in the district and in cooperation with the Georgia Instructional Materials Center. For more information regarding the provision of accessible instructional materials, please contact the Teacher for the Visually Impaired.

Provision of Assistive Technology

Children with disabilities who require assistive technology (AT) in order to receive FAPE are eligible for assistive technology devices or services, or both, as a part of the child's special education, related services, or supplemental aids and services. Each IEP Team will consider whether or not a child requires AT devices and services in order to receive FAPE. Compliance will be ensured by indicating the appropriate response in the Consideration of Special Factors section of the IEP. AT can also be addressed when considering other factors such as communication needs and instruction in the use of Braille. [34 C.F.R. § 300.324] When an IEP team seeks an AT evaluation, the Team will complete the Reevaluation Data Review form and select Option C to request additional assessment to assist in the development of the IEP not to reconsider eligibility. ECSD has an AT team composed of a multidisciplinary group of specialists in speech/language pathology, occupational therapy, special education, deaf education, and vision impairment. The AT team meets regularly for the purpose of assessing, researching, and recommending the most current evidenced based materials for meeting the needs of students. ECSD participates in the GaDOE Division of Special Education Services and Supports Assistive Technology Partnership with Tools for Life. For more information specific to Assistive Technology in ECSD, please contact the Assistive Technology Team.

Assistive Technology Evaluations

An AT evaluation may be required if appropriate AT solutions have not been identified by the student's IEP Team through the consideration process. The AT evaluation shall be conducted by ECSD's multidisciplinary team of professionals knowledgeable about assistive technology supports in the technology areas being assessed. The student and family should also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.

1. If assistive technology is required for the child to participate in district-wide or statewide testing, the need for technology should be documented in the appropriate section of the IEP and provided to the child.
2. If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative format instructional materials, the AT should be documented in the IEP and provided to the child.
3. If the IEP Team determines that the child with a disability requires school-purchased assistive technology at home or in other settings to receive FAPE, the assistive technology should be provided to the child at no cost to the parent. The need for AT in the non-school settings should be documented in the child's IEP. [34 CFR § 300.105]

Home Use of Assistive Technology

If the IEP team recommends an AT device, the parent or guardian will complete and sign the [Assistive Technology Home Contract for Individual Student Use at Home form](#) if the device will be used at home.

Extracurricular Activities Accessibility

FAPE includes access to nonacademic and extracurricular activities. ECSD takes steps, including the provision of supplemental aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. The IEP Team does not negate eligibility requirements for extracurricular activities but may define supports or services a student needs to participate. When an IEP Team determines that a student requires support to access an extracurricular activity, the Director of Exceptional Students should be contacted. The Director of Exceptional Students will ensure that FAPE is extended to the nonacademic or extracurricular activity by assisting the school in making necessary arrangements.

FAPE and Extended School Year

Extended School Year (ESY) refers to special education and/or related services provided beyond the normal school day or school year for the purpose of providing a FAPE to a student with a disability in accordance with the child's IEP, at no cost to the family. For many students who receive special education services, the regular school day and/or school year is enough to make sure they receive a free appropriate public education. But that is not the case for all students. Some students may need more. ESY is a required part of IDEA. ESY is provided according to a student's IEP and is at no cost to the family. ESY can include academics, related services, and extracurricular activities. The IEP Team should consider ESY for each student at least once per year in the ESY section of the IEP. IEP Teams will determine the details of ESY, such as what services will be provided, frequency and duration of services, and what IEP goals will be addressed. ESY will meet the requirements of FAPE. See Extended School Year section of this document for additional information.

Access to Physical Education and Specially Designed Physical Education

In ECSD, all students with disabilities may have access to a physical education program.

Services to Public Charter Schools that are not LEAs

Children with disabilities who attend public charter schools and their parents retain all rights to a FAPE as described in this Rule. Charter schools that are public schools of an LEA. ECSD will ensure that charter schools that are public schools of the LEA must:

1. Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplemental and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and
2. Provide funds to those charter schools at the same time and on the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities.

Charter Schools that are LEAs

If the public charter school is an LEA, that charter school is responsible for ensuring that all of these requirements are met. ECSD's Child Find Procedures include identifying and serving students with disabilities attending charter schools. At the time of this publication, there are no public charter schools in the Effingham County jurisdiction. In the future, if charter schools are added within the district, services will be provided to both public charter schools that are and that are not LEAs. Students will have programming options and equal access.

Programming Options and Equal Access

All students in ECSD have access to a full range of course offerings to include Art, Music, and Career, Technical, and Agricultural Education. If a public charter school option becomes available in ECSD's jurisdiction, students with disabilities will have programming options and equal access. The IEP does not negate other eligibility requirements.

Hearing Equipment Checks

ECSD has established the following procedures regarding hearing equipment checks. There are several different systems in use.

1. Make sure all equipment is charged. Please charge Monday through Thursday evenings.
2. If the equipment is not functioning, please complete the following steps:
 - a. Make sure equipment is properly charged: plugged into a functioning outlet, that cords have been plugged into correct outlets on equipment, and that batteries are not dead.
 - b. Turn off and back on again.
 - c. Try to resync the microphone with speakers/receivers.
 - d. Contact the deaf/hard-of-hearing teacher
 - e. If necessary, deaf/hard of hearing teacher will contact the audiologist for repair. This may take several weeks.

Deaf/Hard-of-hearing students aged 3-21 should report daily to their homeroom teacher or school nurse in the morning before class to have their hearing aids or cochlear implants checked to see if they are properly functioning. Hearing Aid/Cochlear Implant Checklist will be kept on either the nurse's daily medication log and/or the hearing aid checklist from the department of education. Spare batteries will be kept with the school nurse.

Prohibition of Mandatory Medication

ECSD 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. Parents or guardians of students enrolled in ECSD must sign and place on file with the school nurse or school principal, a medication permission form. Parents or a guardian must deliver all medications to the school along with the signed medication form. In the event that a parent or guardian cannot deliver medication to the school, alternate arrangements should be made with the school principal. Students may NOT transport medication to the nurse. Nurses should receive medication in its original pharmaceutical container, clearly labeled as to the name of the student, name of the medication, appropriate dosage, times of dosage and will administer only the actual amount as prescribed on the label. No more than a 30 day supply of medication should be left with the school. In the nurse's absence, a designated staff member may administer medication. Employees of ECSD are prohibited from making medical recommendations or decisions involving medication. Additional information is provided to parents via the Student and Parent Handbook. This handbook is provided to all students and parents and can also be accessed on the school system website. See Medication Policy/Procedures and Medication Permission Form.

Frequently Asked Questions (from GaDOE)

1. Are Charter schools and Virtual schools required to provide a FAPE?

Children who attend public charter schools, and public virtual schools and their parents retain all the rights given to them under the IDEA, including FAPE. For more information, see Office of Special Education Programs (OSEP) [Dear Colleague Letter on Online and Virtual Schools and the Individuals with Disabilities Education Act \(IDEA\) \(PDF\)](#), Office of Civil Rights (OCR) [Dear Colleague Letter on the Rights of Children with Disabilities in Public Charter Schools \(MS Word\)](#) and Office of Special Education and Rehabilitative Services (OSERS) [Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under the Individuals with Disabilities Education Act](#).

2. What are related services?

Related services are those services that are required to assist a student with a disability in benefiting from special education. The IEP Team determines the related services needed for each individual student. Related services may include transportation, speech-language pathology, audiology, interpreting, psychological services, physical and occupational therapy, recreation, counseling, rehabilitation counseling, orientation and mobility services, medical services (diagnostic or evaluation services only), school health services, school nursing services, school social work, and parent counseling and training. Related services do not include optimization, maintenance, or replacement of surgically implanted devices, including cochlear implants.

3. Are LEAs required to provide occupational therapy or physical therapy as a provision of FAPE?

IDEA requires that a student be provided with special education and related services and the IEP serves as the framework. School-based occupational therapy (OT) and physical therapy (PT) are related services as defined under [34 C.F.R. § 300.34](#) of the IDEA and are provided to students who meet criteria for special education services

under Georgia Rule [160-4-7-.05](#). As a related service, OT and PT assist the student in achieving the IEP goals and objectives.

4. Who is responsible for providing a FAPE to eligible students in an adult correctional facility?

If it is a Georgia Department of Corrections (GDC) facility, then the GDC should provide IEP services.

5. Who is responsible for providing a FAPE to eligible students in a local jail?

The LEA where the local jail is located is responsible for the provision of a FAPE. LEAs should develop procedures to ensure two-way communication and collaboration is established with their local jail so that the LEA will be notified when a student with a disability is incarcerated in the local jail.

6. How does adjudication change the rules in terms of responsibility?

Once the student has been adjudicated and moved to a GDC or DJJ facility, GDC or DJJ will assume responsibility for the implementation of IEP services.

7. How can a LEA ensure FAPE if a student is in a local jail or Sheriff's Detention Center, and the center will not allow the LEA to provide services?

A 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), are also entitled to a FAPE. In these circumstances, the LEA where the jail is located is responsible for providing educational services. The Effingham County School District will need to work closely with the local jail in order to gain access to the student and to deliver services. The ECSD should document all correspondence with the local jail, especially if the local jail will not permit the Effingham County School District to provide a FAPE to the student with a disability.

Chapter 2 Child Find Procedures

State Rule: 160-4-7-.03

Annual Child Find Activity is Published through Public Notification System

ECSD and the Department of Exceptional Students conduct a private school consultation meeting at least annually to inform private and homeschool representatives of the District's Child Find procedures; this includes information on the referral process. Child Find information and activities are published and/or announced on the ECSD's public website and in The Effingham Herald. Child Find Notices are mailed to pediatricians' offices, daycare centers, preschools, the local Sheriff's Office, and the local Health Department. In addition, Child Find information letters are mailed to registered homeschool families. In addition, The Department of Exceptional Students provides annual information to the District staff to ensure that staff have been informed and understand ECSD's Child Find Procedures. Information is also disseminated within the community through the following channels:

1. Department of Exceptional Students' page on the ECSD website
2. The Effingham Herald
3. District Newsletter
4. Interagency collaboration (public daycares, preschools, BCW)
5. Private school consultation

Provides for Identification, Location, and Evaluation of Children with Suspected Disabilities Ages 3-21 including:

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

1. **Children birth through age three**, Child Find includes early intervention services for children from birth to age three (these children are served by BCW until they reach the age of three). BCW is Georgia's statewide interagency service delivery system for infants and toddlers with developmental delays or disabilities and their families. BCW is established by Part C of the IDEA, which guarantees all eligible children, regardless of their disability, access to services that will enhance their development. Screening to determine appropriate educational services is not considered to be an evaluation
2. **Preschool children, ages 3 through 5 not yet eligible for state-funded kindergarten**, who may not be enrolled in a Georgia-funded prekindergarten and kindergarten, including children who are parentally placed in private preschools or daycare centers outside the LEA;
3. **Children enrolled in the LEA schools including public charter schools;**
4. **Children who are suspected of being children with disabilities;** even when those children may be progressing from grade to grade.
5. **Highly mobile children, including migrant children;** homeless children and children who are wards of the state;
6. **Children who are detained or incarcerated in jails or correctional facilities**, operated by the local sheriff's office or other municipalities. With regard to Georgia Department of Juvenile Justice and Georgia Department of Corrections, children incarcerated in state juvenile or correctional facilities; and
7. **Children enrolled in homeschool/study programs**, and other community programs, such as rehabilitation centers, daycare centers, etc.;

8. Parentally placed private school children, including religious, elementary, and secondary schools;

Screening to Determine Appropriate Educational Strategies is Not to be Considered Evaluation

Screening tools help identify children in need of closer monitoring and those in need of more intensive academic, behavioral, communicative, and/or functional interventions. Screenings are utilized to identify the risk status of children and guide the intervention delivery system to determine appropriate educational strategies. A screening is not to be considered a comprehensive evaluation. A comprehensive evaluation is 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.

For students of ages 3-21 years, the ECSD Department of Exceptional Students may conduct screenings to identify those students who require additional monitoring and guide the selection of research or evidence-based interventions as a part of the MTSS. Additionally, ECSD school nurses provide mass screening of students' vision and hearing capabilities at the following grade levels: 1st, 3rd, 5th, 7th and 9th.

Student Referral and Intervention Prior to Referral

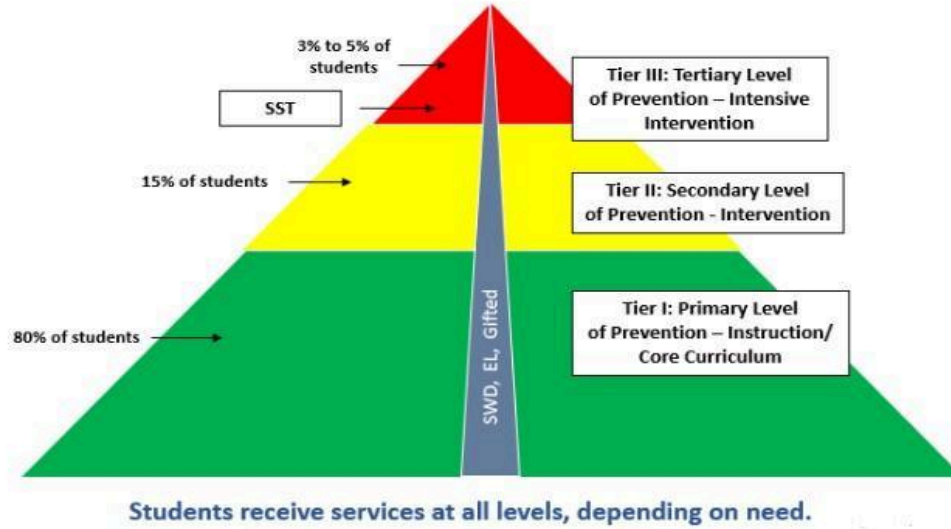
Child Find is a critical part of the special education process for all children suspected of having disabilities. IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. [34 C.F.R. § 300.111] IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. [See 34 C.F.R. § 300.111.]

The use of interventions before referring a child for an initial evaluation for special education can have a positive impact on reducing the disproportionate representation of racial and ethnic groups in special education and related services. In addition, if a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement). Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions should not be a reason for determining that a child is not eligible for special education services, except in the category of Specific Learning Disability (SLD). For SLD eligibility, student referrals should be accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate insufficient rate of progress.

Multi-Tiered System of Supports

1. MTSS is applied to all students (not just struggling students). For example, MTSS calls for us to continue challenging high-achieving students.
2. Response to Intervention (RTI) is a process within the system of an MTSS framework. RTI is part of the data-based decision-making progress monitoring where team members review data to determine how students are responding to the interventions in place. It is a process to observe and adjust (intensify, select new, or continue) an intervention based on a student's progress toward the targeted goal.

Essential Component: Multi-Level *Prevention* System



Student Support Team Aligned with State Board Rule 160-4-2-.32

Each school has an identified Student Support Team (SST). These teams may be at the school or grade level. The SST meets as needed to identify and assist students with learning and behavioral difficulties at Tier III in the MTSS process. Please refer to ECSD's MTSS Manual for more information.

Exception Permitted Only When Evaluation and/or Placement is Required Due to Significant Disability

Parents/guardians of any student between the ages of 3 and 21 suspected of having a disability are encouraged to contact the Department of Exceptional Students at (912) 754-5623 for further information on the Child Find initiative.

Frequently Asked Questions (from GaDOE)

1. Does Child Find apply to home-schooled children?

Yes. If the child is a resident within the jurisdiction of the LEA, then the Child Find responsibility rests with the LEA in which the child resides. In addition, as a home-schooled child, a child who is determined eligible for special education and related services must also be considered in a proportionate share of federal funds for private school children. In Georgia, home-schooled children are treated as private school children in regard to special education. See Georgia Rule 160-4-7-.13(3)(a)(1).

2. If an LEA charter school and a traditional LEA serve the same demographic area, who has the Child Find responsibility?

Both of them. The LEA charter school's Child Find responsibility extends only to children enrolled in the LEA charter school. The traditional LEA's Child Find responsibility extends to all other children within their jurisdiction.

3. If an LEA charter school only serves a designated population, such as grades six through eight, should the LEA charter school's Child Find procedures address

children outside of the designated population, such as children in grades kindergarten through fifth grade?

Yes. As a matter of best practice, an LEA charter school's Child Find procedures should include children age 3-21. However, an LEA charter school's Child Find procedures must address the currently designated population of the LEA charter school. Since LEA charter schools may decide to expand their designated population, LEA charter schools should consider developing Child Find procedures to include children ages 3-21 or update their Child Find procedures as the LEA charter school expands their designated population.

4. Considering the above guidance for LEA charter schools, what are the Child Find responsibilities for Georgia Department of Juvenile Justice (DJJ) and Georgia Department of Corrections (DOC)?

Georgia DJJ and Georgia DOC must implement Child Find duties for the youth enrolled in their respective facilities.

5. Who has the Child Find responsibility for youth incarcerated in facilities operated by the local sheriffs or other municipalities?

The LEA where the facility is located must implement Child Find duties for youth incarcerated in jails or other correctional facilities operated by local municipalities.

6. Are private/home-school children required to have instructional interventions documented prior to referral to special education?

No. There is no requirement under IDEA for any child suspected of having a disability and being in need of special education services to have instructional interventions before being referred for an initial evaluation for special education. LEA personnel can work with referring individuals to document prior interventions, if conducted, and the results of those interventions. Interventions may also be implemented as part of any evaluation process.

7. Can a parent request an evaluation without prior documentation of interventions?

Yes. Parents maintain their right under the IDEA to request an evaluation. See 34 C.F.R. § 300.301(b). LEAs may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. Interventions and documentation of such may be developed during the evaluation period to support the other information the evaluation is gathering. If a LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for the decision, in accordance with 34 C.F.R. § 300.503(a) and (b). The parent can challenge this decision by filing a formal complaint or requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation. See Memorandum from the U.S. Dep't of Educ., Office of Special Education Programs (OSEP), Memo 11-07, January 21, 2011.

8. Would a child's participation in a response to intervention process be considered a "basis of knowledge" that the child may be a "child with a disability"?

Participation in a response to intervention process, in and of itself, would not appear to meet the "basis of knowledge" standards. The standards for whether a public agency has a "basis of knowledge" include (1) written concern from the parent to the child's

teacher or other supervisory or administrative personnel of the LEA that the child is in need of special education and related services, (2) a parent request for an evaluation to determine if the child is a child with a disability or (3) the child's teacher or other personnel expressing specific concern about a pattern of behavior of the child directly to the special education director of the LEA or other supervisory personnel of the LEA. See 34 C.F.R. § 300.534(b).

Chapter 3 Evaluations and Reevaluations

State Rule: 160-4-7-.04

IDEA requires that before a child can receive special education services, the LEA must determine whether the child requires specialized instruction and meets eligibility requirements for special education. ECSD must conduct (or arrange for) a comprehensive evaluation that: provides sufficient data to determine whether the child is a child with a disability; documents how the disability affects the child's academic, developmental, social/emotional, and/or behavioral performance in school; and provides appropriate information for the development of an IEP, if eligible.

Initial Evaluation Referral Process

ECSD utilizes a MTSS process for referral for a special education evaluation. This process includes universal screening to identify students needing academic or behavioral support, the provision of research-based and/or evidence-based interventions based on the student's needs, and progress monitoring to inform student progress. School staff providing interventions should receive training and professional development. These interventionists monitor the fidelity of implementation.

School level MTSS Teams meet regularly to review student data and progress. This team can consist of classroom teachers, school administration, school psychologists, counselors, MTSS school level coordinator, and parents. If a student does not make adequate grade- or age-level progress, the student may be referred for a screening or comprehensive evaluation. The SST is an integral part of the MTSS process at Tier III.

Timeframes for Evaluations

60 Calendar Days

The 60-calendar-day time period begins when an ECSD employee receives the signed consent but excludes school holidays and other times when children are not in attendance for five or more consecutive school days, including the weekend days before and after the holiday period. Any summer vacation period when the majority of the LEA's teachers are not under contract does not count toward the 60-day time period. If consent is received 30 calendar days or more before the end of the school year (defined as the teachers' last day under contract), the evaluation process should be completed within the 60-day time period.

The following is a typical sequence of steps when making an initial referral for special education services through MTSS/SST:

1. A meeting may be scheduled with the parent(s) and appropriate school personnel. During the meeting, the committee will review all relevant information (including response to intervention) regarding the student to assist in determining the appropriateness of the referral which may include, but is not limited to the student's strengths, concerns, screening results (including vision and hearing), Medical reports, formal assessments, and progress monitoring data.
2. If the committee agrees to refer the student for a psychological and/or speech evaluation, the school psychologist or SLP will obtain a Parent Consent to Evaluate (PCE) along with a description of the types of assessments that may be administered

and the types of instruments that may be used, as well as provide the parent a copy and explanation of Parents' Rights, a PWN and a description of possible areas of assessment. For more information, refer to ESCD's MTSS Guide.

3. Upon receipt of this consent to evaluate, the school psychologist/SLP is responsible for completing the evaluation within sixty (60) calendar days, unless one of the exceptions applies. School psychologists are required to complete a psychological report for all initial and full reevaluations. Completion of the eligibility report is also required when a comprehensive evaluation is completed. If an outside evaluation is presented, data from that report may be considered for the eligibility determination.

Exceptions

1. The parent fails or refuses to produce the child for the evaluation.
2. Extenuating circumstances exist (e.g., illness, unusual evaluation needs, or revocation of parental consent).
3. Global pandemic - ECSD will follow guidance from GaDOE.
4. The child moves to another LEA after the 60-day time period has begun.

Parental Consent

Before an evaluation can begin, the LEA should obtain a signed, informed parental consent for evaluation and send home PWN. ECSD has 60 calendar days after receiving a signed, informed parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make an eligibility determination within that 60 day initial evaluation timeframe. The LEA is expected to adhere to all timeline obligations.

As a matter of best practice, within 10 calendar days of the completion of the evaluation report(s), an eligibility meeting should be held. If the student is found eligible, the development of the IEP can take up to 30 additional calendar days. [See 34 C.F.R. § 300.323(c)(1).] This 30-day time period does not contain any exceptions for holidays or summer vacations.

If the parent refuses to give consent for the evaluation, the district may, but is not required to pursue the evaluation through mediation or a due process hearing. [See 34 C.F.R. § 300.300(a).] If the child is home-schooled or placed by the parents in a private school at their expense, the LEA cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation. [See 34 C.F.R. § 300.300(c)(4).]

Parental consent is not needed for the LEA to perform these routine duties:

1. Review existing evaluation information.
2. Screen a child to determine appropriate instructional strategies for curriculum implementation.
3. Administer a test or evaluation that is given to all children without consent for that test or evaluation.

Reevaluation Consideration

The purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine whether the child continues to have a disability and to review the educational needs of the child. Reevaluations are considered to be just as important as the initial evaluation for special education. Throughout

the child's educational career, their educational needs may change and the reevaluation assesses the child's evolving needs. A reevaluation of a child with a disability, which can include only a review of existing evaluation data, should be conducted at least once every three years. The re-evaluation may be conducted at any time if the LEA feels the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the LEA agree to more than once a year. The student's case manager is expected to monitor his/her re-evaluation date thus should be aware of when a student's three-year re-evaluation is due.

If the parent, case manager, or other staff working with the student suspect that the re-evaluation may need to be a comprehensive evaluation, a meeting should be scheduled with the appropriate personnel to discuss any concerns prior to the re-evaluation due date giving time for the reevaluation process to occur, if appropriate.

If this determination is not made before the annual review, then at the annual review, the [Reevaluation Data Review](#) form is completed indicating whether or not additional data is needed. The team will discuss the following existing data as it applies to the student:

1. Information from parents
2. Present age, grade, placement
3. IEP goals and objectives
4. Achievement data
5. Previous psychological evaluation
6. Current eligibility information
7. Standardized test results
8. Medical records
9. Social history update
10. Progress and grade reports
11. Curriculum based assessments
12. Attendance records
13. Behavior scales
14. Anecdotal records
15. Classroom observations
16. Portfolio/Current work samples
17. Speech language data
18. OT/PT Data
19. Hearing/Vision screening data
20. Transition plan
21. Assistive technology data
22. Behavioral intervention plan
23. Teacher/Staff observations
24. Classroom-based assessments
25. Self-Help skills
26. Adaptive behaviors
27. Discipline records
28. Other data

After reviewing the above noted data, one of the following options should be chosen:

1. Option A
2. Option B

3. Option C

Option A - FULL EVALUATION AND NEW ELIGIBILITY REPORT

Additional assessment is being requested. Since the evaluation is needed for making an eligibility decision, a new full eligibility report will be completed. After completion of the reevaluation, the committee will reconvene to determine eligibility and complete a new eligibility report to determine:

- Whether the student is eligible for special education.
- Whether the student is in need of special education and related services.

When should you consider Option A?

- *If another eligibility area is suspected (adding speech, VI/HI, etc.)*
- *If the team is considering dismissal.*
- *If the team is unsure if the current eligibility area/s are most appropriate (ex-, student may be EBD but has mastered behavior goals and main concerns are now academic)*

What do I do after selecting Option A?

- Print the Parent Consent to Reevaluate (PCR) form located in the RDR and obtain the parent's signature. Whoever receives the signed PCR should sign the bottom of the form with the date received and upload to GO-IEP promptly.
- Contact your School Psychologist and/or Speech Therapist immediately *via email*.
- Complete all required sections of the RDR and *finalize*. If you need help with completing the RDR please contact your Compliance Specialist, Program Manager or School Psychologist prior to finalizing.
- Send signed PCR to Program Manager at BOE within *3 school days* of the IEP meeting/receipt of PCR.
- Re-evaluations will be completed within 90 calendar days. NOTE: School Psychologists will complete required SDD reevaluations in conjunction with their AR each school year.
- Upon completion of evaluations, the Case Manager should schedule an IEP meeting to redetermine eligibility and, if appropriate, update the IEP. Make sure all evaluators are invited to the meeting (Psych, SLP, OT/PT, etc). *Use the Start Reeval Eligibility link on the timeline page to initiate the meeting notice and include other areas of discussion (IEP).*

Option B- NO EVALUATION NEEDED: STUDENT REMAINS ELIGIBLE FOR SERVICES.

Adequate data are available and have been reviewed above to determine continued eligibility and address special education services and supports. The reevaluation process has been completed. Committee members agree that the student remains eligible for the existing disabilities, and no additional information is needed to determine:

- The student continues to be eligible for special education under the same disability category(ies).
- The student needs special education and related services.
- The present levels of academic achievement and related developmental needs.
- The special education and related services are needed to meet the measurable annual goals.
- The special education and related services needed to enable participation, as appropriate, in the general education curriculum.

When should you consider Option B?

- Students continue to need special education support.

- Eligibility area/s are considered appropriate to a student's needs.
- No additional assessment is needed.

What do I do after selecting Option B?

- Complete all required sections of the RDR and *finalize*. If you need help with completing the RDR please contact your Compliance Specialist, Program Manager or School Psychologist prior to finalizing.

Option C - MORE DATA IS NEEDED IN SPECIFIC AREAS; NOT TO RECONSIDER ELIGIBILITY

Additional assessment is being requested to assist in the development of the IEP, not to reconsider eligibility. After completion of the evaluation report(s), the committee will reconvene to review and use the results of the evaluation to amend the current IEP or conduct an annual review. The assessment is needed to determine:

- The present levels of academic achievement and related developmental needs.
- Whether the student needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP.
- Whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum.

When should you consider Option C?

- If a full evaluation is not required or needed.
- If a new eligibility determination is not needed.
- If a student is not making progress toward a goal and more data is needed to help determine areas of weakness.
- If PLAAFP information is significantly outdated (ex., More than 5 years old).
- If additional assessments are needed for AT, FBA, OT, and PT

What do I do after selecting Option C?

- Print the Parent Consent to Reevaluate (PCR) form located in the RDR and obtain the parent's signature. Whoever receives the signed PCR should *sign the bottom* of the form with the date received and *upload to GO-IEP promptly*.
- If testing has been requested, contact your School Psychologist and/or Speech Therapist immediately *via email*.
- If OT, PT, AT, or FBA evaluation is requested, complete the associated Google Form to inform providers: [RDR Option C Forms](#)
- Complete all required sections of the RDR and *finalize*. If you need help with completing the RDR please contact your Compliance Specialist, Program Manager or School Psychologist prior to finalizing.
- Send signed PCR to Program Manager at BOE within *3 school days* of the IEP meeting/receipt of PCR.
- The evaluation(s) should be completed within 45 calendar days. Upon completion of evaluations, the Case Manager should schedule an IEP meeting to review data and update the IEP. Make sure all evaluators are invited to the meeting (Psych, SLP, OT/PT, etc). The meeting should be scheduled as an Amendment or AR, NOT as a Reeval Eligibility.

What do I do if an RDR is needed unexpectedly during a meeting (was not included on the Meeting Notice)?

- *During the meeting*, go to Timelines and initiate Start Reevaluation Data Review.
*NOTE: It's always a good idea to have a Chromebook/laptop at meetings to access and complete forms as you go!
- This will generate a new meeting notice. You will enter the same information as the original notice (date/time/place/etc).
- Complete the RDR that is under the Eligibility/Reevaluation tab in GO-IEP using the guidelines provided above.

For any RDR that is completed, the LEA should provide prior written notice to the parent and should receive written informed parental consent before conducting any additional assessments as part of a reevaluation of a child with a disability. If the LEA makes multiple reasonable attempts to contact the parent for written consent to conduct additional assessments as part of a reevaluation and the parent does not respond after several attempts, the LEA should keep documentation of those attempts and lack of responses, and then the LEA may move forward with the reevaluation. See 34 C.F.R. § 300.300(c)(2).

In circumstances where the parent refuses to provide consent to administer additional assessments as part of a reevaluation, the LEA may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. [See 34 C.F.R. § 300.300(c)(1)(ii).] If the LEA does not pursue the reevaluation by using mediation or due process hearing procedures when a parent refuses consent, the district has not violated its obligations under Child Find. [See 34 C.F.R. § 300.300(c)(1)(iii).] In addition, if a parent refuses to provide consent to administer additional assessments as part of the reevaluation process, the LEA may decide to discontinue the provision of special education services and supports to the child, if the LEA believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services. If the LEA discontinues the provision of special education services, it should provide the parent with a PWN of its proposal to discontinue the provision of a FAPE to the child consistent with 34 C.F.R. § 300.503(a)(2), including the right of the parent to use the mediation procedures in 34 C.F.R. § 300.506 or the due process procedures in 34 C.F.R. §§ 300.507-300.516 if the parent disagrees with the LEA's decision to discontinue the provision of FAPE to the child.

Comprehensive Evaluations

Multidisciplinary Evaluation Team

When a referral for special education evaluation is made, the evaluation will be conducted by a multidisciplinary team deemed appropriate for thoroughness and comprehensiveness. This team may consist of a school psychologist, SLP, special education teacher, occupational therapist, physical therapist, regular education teacher, LEA, parents, and others as appropriate for 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. It is recommended that the student be given a hearing and vision screening during the SST or other pre-referral process, if issues have been noted, and that such results be current within one calendar year. The child's parents are considered members of this team. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

In a comprehensive evaluation, the district will:

1. Assess all areas related to any suspected disability, including vision and hearing, and, if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities
2. **Review existing data**
3. **Identify if additional data is needed**
4. **Use a variety of appropriate evaluation tools** and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent
5. **Administer all tools by trained and knowledgeable staff**
6. Not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child;
7. Use assessment techniques that may assess intellectual and behavioral skills in addition to physical or developmental skills;
8. Use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
9. Use assessments and other evaluation materials to determine specific areas of educational need; not only those that are designed to provide a single general intelligence quotient (IQ) score; and
10. Select assessment methods so that, when administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement level.

Determination of Eligibility

Eligibility Team

An Eligibility Team meeting will be held for any student being considered for special education placement and anytime a PCE has been signed and an evaluation has been completed. Eligibility determinations are made by the school psychologist, other qualified professionals, and the parent(s) upon completion of initial evaluations and when recommended by the committee for reevaluations. Eligibility Team members include at least the following, but can include others as appropriate:

1. Parent
2. LEA
3. General Education Teacher familiar with the student and grade level curriculum
4. Special Education Teacher
5. A person qualified to report/interpret evaluations that were completed (i.e., school psychologist or SLP or both, if applicable)

At the time of the referral, any additional assessments or needed information about the student (such as a comprehensive psychological evaluation) is requested (either for initial consideration or re-evaluation) and is utilized at the meeting to assist in determining eligibility for special education services. Although often held just prior to an IEP meeting for the parents' convenience, the eligibility is considered a separate meeting for the purpose of establishing eligibility only. Adequate time should be allowed when scheduling meetings to include the eligibility and the IEP meeting, if held together.

Documentation of Evaluation Results

The eligibility form should document the following information to determine eligibility for a

Student:

1. A documented case history
2. A summary of interventions and data prior to referral
3. A summary of progress monitoring towards achieving standards
4. Results of relevant district, state and benchmark assessments
5. Individual student data, as applicable
6. Consideration of exclusionary factors

Exclusionary Factors

A student is eligible to receive special education services if the Eligibility Team determines the student meets eligibility criteria AND the student does not meet any of the exclusionary factors that would prevent special education eligibility. The exclusionary factors that should be addressed in each eligibility meeting include:

1. Lack of appropriate instruction in reading;
2. Lack of appropriate instruction in math;
3. Lack of appropriate instruction in writing;
4. Limited English proficiency;
5. Cultural Factors;
6. Environmental or economic disadvantage;
7. Atypical educational history;
8. Visual, hearing or motor disability;
9. Selective mutism, tongue thrust, or dialectal differences in language

Determination of the Disability and the Need for Special Education (Dismissal)

The Eligibility Team has the responsibility of determining the student's program eligibility. The IEP Team will determine placement based upon IEP programming requirements. Eligibility should be demonstrated prior to initial placement in a program and should be demonstrated at the time of reevaluation consideration. Eligibility based on re-evaluation should be completed for any student suspected of no longer needing special education services.

Eligibility or non-eligibility should be documented for all students referred and evaluated for special education placement. An appropriate Eligibility Report should be completed as a part of the due process procedure for all referred students. The parents should be invited to participate in the process. A copy of the eligibility report should be provided to the parent. In order to be found eligible to receive special education services, the student should meet eligibility criteria in one of the following areas:

1. Autism Spectrum Disorder (AUT)
2. Deafblind (DB)
3. Deaf/Hard of Hearing (D/HH)
4. Emotional and Behavioral Disorder (EBD)
5. Mild, Moderate, Severe, or Profound Intellectual Disability (MID, MOID, SID, PID)
6. Orthopedic Impairment (OI)
7. Other Health Impairment (OHI)
8. Significant Developmental Delay (SDD)
9. Specific Learning Disability (SLD)
10. Speech-Language Impairment (SI)
11. Traumatic Brain Injury (TBI)
12. Visual Impairment and Blindness (VI)

For students referred for initial eligibility consideration, the appropriate evaluator(s) are responsible for submitting a completed Eligibility Report (ER) which will include input from multiple sources (e.g., counselors, SLP, OT, PT, etc.). All sections of the eligibility report should be completed.

The LEA will comprehensively reevaluate a child with a disability, specifically in the areas of eligibility, before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed when the student:

1. Graduates from high school with a regular education diploma, or
2. Has exceeded the age of eligibility (22nd birthday) for a FAPE.

The LEA should, however, provide the child with a SOP. Best practice would also include providing the summary of performance for the child who receives a special education diploma or other exit document. It is up to the LEA's policy as to whether services cease exactly on the child's 22nd birthday or continue until the end of the semester or school year in which the child turns 22 years of age. Refer to the FAPE chapter of this manual for additional information.

Parents' Rights

Whenever a parent requests an evaluation or when a child has been referred for an initial comprehensive evaluation, the LEA should give the parent a copy of parental rights and provide an explanation. If the parent's primary language is not English, a translated copy in his or her primary language should be provided when feasible. Some translations are available on the Georgia Department of Education website.

Types of Evaluations

Referrals for initial evaluations can be made through a variety of sources including, but not limited to: BCW, SSTs, Child Find activities, parents, and crisis situations (extreme circumstances).

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

Parent Request for Initial Evaluation

Each LEA should have in effect policies and procedures to ensure that all suspected children with disabilities, including those who are homeless, are wards of the State, or are attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. [34 C.F.R. § 300.111]

The following is the procedure for ECSD.

When a parent requests an initial evaluation, whether the student has participated in the RTI/MTSS process or not, the school should do the following:

1. When a parent makes a request for an evaluation to any school employee, verbally or in writing, the MTSS Coordinator (typically an Assistant Principal) will be contacted and will share the information with the School Psychologist within three school days, if possible.
2. The School Psychologist will contact the parent within three school days of being informed of the request to gather information regarding the parent's concerns and provide information about the referral process. The school psychologist will schedule an SST meeting within 2 weeks. This conversation should be documented in the General Contact Log in the Infinite Campus system.
 - a. If the parent is unable to be reached by phone, an email will be sent by the School Psychologist to the email address provided in Infinite Campus. The School Psychologist will continue to attempt to contact the parent by phone and email. After three attempts, if the School Psychologist is unable to reach the parent by phone or email contact a Program Manager. A certified letter will be sent to the parent with Child Find information.
3. At the SST meeting, the team will review parent concerns and consider all options (intervention, 504, evaluation, etc). If the team determines to move forward with an evaluation for special education, the School Psychologist will provide the parent with a consent to evaluate, a copy of parent rights, and a prior written notice. If the team determines not to pursue an evaluation, the school psychologist will provide a prior written notice outlining the team's decision. This information will be shared with the program manager for psychological services within 3 school days.
4. When the consent to evaluate is received, ECSD will follow the procedures regarding initial evaluation timelines.
5. The evaluation will be completed and the meeting scheduled within 60 calendar days.
6. The school psychologist or SLP will schedule an eligibility meeting.
7. If eligible, an IEP should be written within 30 calendar days of the eligibility meeting. There is no summer pause.

Private Evaluations for Students with an IEP

If a parent provides a copy of a private evaluation, the case manager, or the person who receives the document, will upload the evaluation in the Documents section of GO-IEP and notify the school psychologist and/or SLP within 3 school days. The school psychologist or SLP will call the parent to discuss the private evaluation. This should be documented in the General Contact Log. If concerns are noted, contact the case manager to schedule a meeting to review the report and make any necessary changes.

Expedited Evaluations

Situations may arise when referral teams are required to meet to determine the appropriateness of expediting an evaluation. In these rare instances, the committee determines whether the SST process should be bypassed. The team should consist of at least the parent, a general education teacher, school psychologist, an SST representative, and an LEA representative. Should the recommendation be made to refer the student for an evaluation, the Team is determining that the student's level of severity warrants bypassing the time period generally allowed for interventions to be implemented and progress monitoring to occur.

If referred, the evaluation is comprehensive (as noted below) and the same timeline requirements apply:

1. Appropriate interventions should begin.
2. The evaluation is completed and the eligibility meeting is scheduled per district procedures.
3. Follow district procedures to meet state timelines.

Private/Home School Referrals

Home and private school students are entitled to psychological testing. As every situation is unique, please contact the Director of Exceptional Students Services at the Effingham County Board of Education (912) 754-6491 to discuss. In general, the following procedures should be followed:

1. Schedule a meeting to discuss the appropriateness and area of need for interventions and develop a plan to begin.
2. Immediately provide the parent with Parents' Rights and explain them.
3. Have the parent sign the PCE and provide PWN.
4. Complete the evaluation and schedule eligibility per district procedures.
5. If eligible, the IEP should be written within 30 calendar days of the eligibility meeting. There is no summer pause.

Independent Educational Evaluation

If a parent disagrees with the results of an evaluation completed by the LEA, the parent may request that ECSD pay for an outside independent educational evaluation (IEE). ECSD may agree to pay for the IEE or begin the due process hearing procedures to show that the ECSD's evaluation is adequate. If there is a due process hearing and ECSD's evaluation is judged to be sufficient, then ECSD will not have to pay for an IEE. A parent is entitled to only one IEE at public expense each time ECSD conducts an evaluation with which the parent disagrees. The list of criteria of the independent evaluator should be the same as those required of the ECSD's evaluators. ECSD may set a reasonable limit on the cost of the IEE. However, ECSD should also allow parents the opportunity to prove extraordinary circumstances warranting an IEE at public expense that does not meet the LEA's criteria. See 34 C.F.R. § 300.502 for a complete explanation of IEEs.

A parent does not have the right to an IEE at public expense until he or she has allowed ECSD to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the LEA's evaluation. As long as the evaluation was conducted by someone who meets the qualifications for ECSD's evaluations, ECSD should consider the results of the parentally-obtained evaluation.

If a parent requests an IEE, the case manager will contact the Director of Special Education within 3 school days.

Effingham County Criteria for IEE at Public Expense

The parents of a student with a disability have the right under IDEA to obtain an IEE at public expense. This is the criteria for ECSD when an IEE at public expense is requested. Please contact the Director of Exceptional Students Services upon request for IEE.

As used in this section, IEE means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child with a disability in question. As used in this section, public expense means that ECSD pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. [34 C.F.R. § 300.502(a)(3)(i) - (ii)]

The parent(s) has/have the right to an IEE at public expense if the parent(s) disagree(s) with an evaluation conducted/obtained by the LEA, subject to the conditions in paragraphs (1)(a)-(c) of this section. [34 C.F.R. § 300.502(b)(1)]

- 1) If a parent requests an independent educational evaluation at public expense, the LEA should, 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 LEA demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. [34 C.F.R. § 300.502(b)(2)(i) - (ii)]
- 2) If the final decision is that the LEA's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense. [34 C.F.R. § 300.502(b)(3)]
- 3) If a parent requests an independent educational evaluation, the LEA 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 LEA may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the LEA evaluation. [34 C.F.R. S 300.502(b)(4)] 160-4-7-.09
- 4) The LEA will provide Prior Written Notice to parent:
 - a) The District refuses the parent request for IEE.
 - or
 - b) The District agrees to the parent request for IEE.
- 5) A copy of the completed PWN will be provided to the Director of Exceptional Students within one school day.
- 6) The LEA should provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the LEA's criteria applicable for independent educational evaluations. [34 C.F.R. § 300.502(a)(2)]

If the parent obtains an independent educational evaluation at public or private

expense, the results of the evaluation:

- 1) Shall be considered by the LEA, if it meets state and LEA eligibility criteria, in any decision made with respect to the provision of a FAPE to the child; and
- 2) May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child. 34 C.F.R. § 300.502(c)(1)-(2)

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. [34 C.F.R. S 300.502(d)]

Whenever the state or LEA 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 LEA uses when it initiates an evaluation. Except for the criteria described in this Rule, an LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. (34 C.F.R. S 300.502(e)(1)-(2))

A parent is entitled to only one independent education evaluation at public expense each time the LEA conducts an evaluation with which the parent disagrees. [34 C.F.R. § 300.502(b)(5)]

Evaluation Criteria:

Location of evaluation: Within a 150-mile radius of the Effingham County Board of Education
Allowable cost/cap: Prevailing cost in the area for the type of evaluation requested, not to exceed a maximum of \$2600.00 per comprehensive psychological evaluation, \$1500 per behavioral evaluation, and \$350.00 for other relevant educational evaluations, such as speech therapy, occupational therapy, and/or physical therapy. Examiner Qualifications: An independent evaluator should maintain at least the same qualifications as the evaluator(s) who conducted the School System's evaluation with which you, the parent/guardian disagreed. A list of possible providers is available from the Exceptional Students department. Exceptions may be made based on the circumstances presented to the Director of Exceptional Students.

The Parent/Guardian, once they have selected the evaluator, he or she should contact and share the name with the Department of Exceptional Student Services, 405 North Ash Street, Springfield, GA 31329, 912-754-5623. The Parent/Guardian should agree for the School System to release the previous evaluation report to the independent evaluator to avoid re-administration of assessment instruments. The Parent/Guardian should agree that the independent evaluator will release the evaluation report to the school system and to the parent at the same time. The independent evaluator will submit an invoice to the school

system upon the completion of the evaluation (Bill submitted to Department of Exceptional Student Services, 405 North Ash Street, Springfield, GA 31329, (912-754-5623). The independent evaluator should agree to obtain information from at least one of the student's current teachers/providers through either an informal interview, an observation of the student in the school setting, or completion of appropriate scales at no additional cost to the school system. The independent evaluator should also agree that if requested by the school system, he/she will attend the eligibility/IEP meeting at which the independent educational evaluation will be addressed at no additional cost.

Evaluation Before Dismissal of Eligibility

The case manager should schedule a Reevaluation Data Review (RDR) meeting with the school psychologist and eligibility team members for the purpose of discussing a comprehensive reevaluation of a child with a disability before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed when:

1. The child graduates from high school with a regular education diploma.
2. The child has exceeded the age of eligibility (22nd birthday) for a FAPE.

Students graduating, aging-out, or receiving any type of exit document will receive a Summary of Performance (SOP) that includes recommendations for meeting postsecondary goals. Refer to the FAPE chapter of this manual for additional information.

Dismissal of services requires re-evaluation (Option A of RDR), eligibility, and a placement committee meeting. If the student is no longer eligible based on the committee decision, the student will participate in general education. In addition, it may be appropriate to consider the need for accommodations through a 504 plan.

Local Guidance for Placement Committee Meetings

1. The school psychologist or SLP schedules initial eligibility meetings.
2. The case manager schedules re-evaluation meetings in coordination with appropriate evaluators when testing has been completed.

Parent Notifications

A Notice of Special Education Meeting is to be sent to the parents by the school psychologist or SLP for an initial eligibility and by the case manager for a re-evaluation. Parents should be notified ten days prior to the meeting to provide them time to make arrangements or notify the school of a need to change the date or time of the meeting, unless unique circumstances exist. If the parent does not confirm by phone or letter their intent to attend a meeting, a minimum of three attempts should be made within the ten days prior to contact the parent. After sufficient parent notification (as stated above), a meeting may be held so as not to delay the process. If the development of the Transition Plan is one of the purposes of the meeting, then the student should be invited.

Procedures When Parents Do Not Attend the Eligibility Meeting

Staff should document at least 3 attempts within 10 days for parent involvement prior to the placement meeting in the General Contact Log in Infinite Campus. If a parent has indicated

that they will participate in the meeting but do not attend (virtually or in-person), the team should make attempts to reach the parent before proceeding with the meeting. If the parent or legal guardian is not in attendance at the eligibility meeting, the school psychologist or SLP should contact the parent to provide a summary of the eligibility determination. If an IEP was developed, the case manager should review the IEP and services determined by the IEP team. Signed parent consent for services should be obtained before the initial IEP services can begin.

Frequently Asked Questions (from GaDOE)

Initial Evaluation

1. What part does “Response to Intervention” (RtI) play in evaluation?

Data collected regarding the child’s response to interventions can support the evaluation process. Intervention data should be reviewed to determine whether there was a response to intervention with reasonable progress.

2. Can parents request an evaluation at any time?

Yes. If the LEA agrees to conduct the evaluation, then the LEA must provide the parent with a consent for evaluation form, and upon receipt of signed, informed consent, the LEA must conduct the evaluation. If evidence of prior interventions has not been obtained, the evidence can be collected during the evaluation period. However, absence of evidence of prior interventions is not a reason to delay or deny the evaluation. If the LEA decides not to conduct the evaluation, it must provide the parents with prior written notice and advise them of their parental rights to seek mediation or a due process hearing.

3. When are hearing and vision to be screened?

Federal regulations list vision and hearing as areas that may be evaluated in a special education evaluation, “as appropriate.” See 34 C.F.R. § 300.304(c)(4). However, professional ethics require that a diagnostic evaluation not proceed until it is documented that the child has acceptable levels of vision and hearing. Failure to do this would render test results invalid and might prevent discovery of vision and/or hearing problems as the primary or contributing source of the child’s problem(s). Therefore, if the hearing and vision screening was not conducted prior to receiving parental consent for evaluation, then the child should be screened at the beginning of the 60-day comprehensive evaluation. If the comprehensive evaluation will rely on prior hearing and vision screening (such as screening completed during the Student Support Team (SST) process), such screening should have been completed within one calendar year. If problems with the child’s hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the LEA must make sure that these devices and services are made available to the child.

4. If during the course of an evaluation, the child is found to need glasses and the parents do not get the necessary glasses, is the LEA responsible for getting them?

If the eyeglasses would be needed for the LEA to provide FAPE and for the child to avail himself/herself of the right to an evaluation, then the LEA must provide them.

Schools and parents can work with public and private agencies to obtain funding for the glasses.

5. Does the 60-day timeline end with the evaluation or with eligibility determination?

The 60-day timeline ends with the completion of the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). The latest date of the evaluation report(s) will serve as the end of the initial evaluation. As a matter of best practice, within 10 calendar days after the 60-day initial evaluation, a determination of eligibility should be made.

6. After a determination of eligibility is made, when must an individualized education program (IEP) be developed?

Within 30 calendar days of a determination of eligibility for special education and related services, a meeting to develop an IEP must be held. This 30-day time period does not contain any exceptions for holidays or summer vacations.

7. How long does Parental Consent to Evaluate last?

Consent to Evaluate is for specific assessments in all areas of suspected disability that are used during an evaluation to determine whether the child is a child with a disability and what educational needs of that child need to be addressed. When consent is sought from a parent, the LEA should explain to the parent why the specific assessments will be conducted and how the results may assist in making a particular determination. Once those assessments are complete, and the evaluation report(s) have been completed or eligibility has been decided, then the period for that consent for evaluation has ended. Any new evaluation the LEA wants to conduct in the future will require a new consent form.

8. If a parent refuses consent for an initial evaluation, is the LEA required to go through either mediation or a due process hearing to override parental consent?

No. When the LEA decides that an initial evaluation is needed but the parent refuses, the LEA may choose to, but is not required to, pursue the initial evaluation through mediation or a due process hearing. 34 C.F.R. § 300.300(a)(3)(i). If the child is a home-schooled or a private school child, this parental consent override does not apply. 34 C.F.R. § 300.300(d)(4)(i).

9. What happens to the 60-day evaluation time period when a child moves to another LEA before the evaluation is complete?

When a child has been referred for an evaluation and the child enrolls in a new LEA prior to the first LEA making a determination as to whether this is a child with a disability, the new LEA is required to move forward in completing the evaluation within a timely manner but may not be required to meet the original 60-day timeline. Specifically, the new LEA must make sufficient progress to ensure a prompt completion of the evaluation and work with the parent to mutually agree to a specific time when the evaluation will be completed. See 34 C.F.R. § 300.301(d)(2).

10. Are there best practices regarding choice and use of evaluation tests and other measures?

The IDEA goes to great lengths to provide for appropriateness (and therefore, dependability) of an evaluation, both in the Evaluations section and in the Procedural

Safeguards section. But professional ethics and expected practices go beyond even these extensive federal requirements. For example, the professional conducting an evaluation soon after another evaluation has been completed must be sure to review the technical manual of the same instruments to avoid invalidating the results. In general, the key to obtaining sound evaluation results is in choosing assessment instruments with sufficient validity (i.e., they get the desired information) and reliability (i.e., the results are trustworthy). Further, it is expected that the instruments used will be recent editions so that their scoring tables are based on contemporary children and thus give a realistic picture of a child's relative performance. Whoever administers an evaluation instrument must be properly trained to administer it according to the publisher's instructions. Whoever interprets such results in light of all other results must have proper professional credentials in order to do so. When an evaluator departs from the publisher's instructions or commonly accepted use of an instrument, as is sometimes necessary, the report of the evaluation must contain an explanation of the deviation.

11. Can parents have a copy of a test protocol?

“Both [Family Educational Rights and Privacy Act (FERPA)] and Part B [of the IDEA] provide that an educational agency or institution (under FERPA) and a participating agency (under Part B) must respond to reasonable requests for explanations and interpretations of education records. 34 CFR 99.10(c); 34 CFR 300.562(b)(1).

Accordingly, if an educational agency or institution or participating agency maintains a copy of a student's test answer sheet, then it must provide the parent with an explanation and interpretation of the record, which could involve showing the parent the test question booklet, reading the questions to the parent, or providing an interpretation for the responses in some other manner adequate to inform the parent.” Letter from LeRoy S. Rooker, Director, U.S. Dep't of Educ., Family Policy Compliance Office, September 13, 2005 (emphasis added).

12. Do LEAs have to provide evaluations for home-schooled or private school children?

Yes. An LEA's Child Find responsibility under the IDEA applies to all children, not just those in public schools. Each LEA is responsible for locating and evaluating not only children who live within its jurisdiction but also those who attend a private school within its jurisdiction. See 34 C.F.R. § 300.111; see also Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (OSERS), April 2011. If the parent of a home-schooled or private school child suspects a disability or the private school suspects a disability and either requests an evaluation, the LEA where the private school is located must provide the evaluation, meeting the same requirements as they would for an evaluation of a child enrolled in the LEA. In Georgia, a home-school child is treated as a private school child; and therefore, the LEA where the child lives would be responsible for a requested evaluation to determine if a disability is present. If the LEA determines that the evaluation is not necessary, the LEA must follow the same procedures as well, including providing prior written notice of why the LEA is refusing to conduct the evaluation. This refusal can then be challenged by the parent through a due process hearing or a written formal complaint.

13. Can a parent request evaluations from the LEA where the private school is located as well as the LEA where the child resides?

Yes. A parent could request that different LEAs evaluate their parentally placed private school child if the child is attending a private school that is not in the LEA in which the child resides. The LEA where the child resides has the responsibility to provide FAPE to the child, while the LEA where the private school is located has the responsibility to ensure equitable participation (also called proportionate share services or equitable services). Parents are not encouraged to ask two different LEAs to evaluate their child for different purposes at the same time. The OSEP states that “[s]ubjecting a child to repeated testing by separate LEAs in close proximity of time may not be the most effective or desirable way to ensure that the evaluations are meaningful measures of whether a child has a disability, or of obtaining an appropriate assessment of the child’s educational needs.” See Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, Question and Answer B-4, U.S. Dep’t of Educ., Office of Special Education and Rehabilitative Services (OSERS), April 2011.

14. A private school wants to have an evaluation of a child to determine educational need. How can the interventions, if any, done in the private school be documented?

LEAs have an obligation to consult with private schools within their jurisdiction on an annual basis for the consideration of proportionate share funds. Although Child Find activities are not conducted with proportionate share funds, LEAs can use this consultation to also educate private schools about the referral process and how to implement and collect data from interventions that can be provided to the child before or during an evaluation.

15. What about preschool age children who may be attending a preschool program in a location outside of the LEA in which they live?

The Child Find responsibility applies to all children residing within the LEA, including preschool age children. If the parent of a young child requests an evaluation to determine if the child may be a child with a disability and eligible for special education and related services, the LEA must respond to that request. However, some preschool age children may be in daycare, federal programs (Headstart) or other types of programs that are outside of their LEA and in need of evaluation services to determine if they are a child with a disability in need of special education and related services. In these circumstances, the parent can certainly request the LEA of residence conduct the evaluation. In some circumstances, if the program the preschool age child is attending is part of an elementary school, public or private, the LEA where the school is located has an obligation to conduct the evaluation when requested by the parent or the school. In most cases, preschool programs are not part of an elementary school and therefore, the obligation for evaluation goes back to the LEA of residence.

It is best practice for LEAs to advertise the availability of evaluation services publicly in order to reach parents with information about the availability of evaluations for suspected disabilities. Pediatricians’ offices, county health clinics, local newspapers, and brochures at grocery stores and other locations, where virtually all parents must occasionally go, are means of getting the information to parents of young children.

16. What type of interventions and progress monitoring can be provided for preschool children?

For preschool children, much of the data collection on the interventions provided will be informal and will likely be of a qualitative nature. In many cases, the evidence of interventions and progress monitoring will be documented through interviews. However, data from interventions provided by Babies Can't Wait, private therapists and preschool teachers can also be used during the evaluation process. The LEA should use this opportunity to work with early education providers to ensure that children have access to the Georgia Early Learning Development Standards (GELDS) for children ages birth through five.

17. Is there a “Speech/language only” evaluation?

No. All evaluations to determine if a child is a child with a disability (including a speech language impairment) and needs special education and related services must be comprehensive and look at the whole child to determine all the areas of need. The multidisciplinary evaluation team will decide what evaluations are necessary. Speech-Language Pathologists (SLPs) are a part of the multi-disciplinary team and will work with and evaluate children who have problems in pronouncing sounds and in using or understanding language or both. Thus, evaluation of each of these areas may require different or overlapping sets of procedures and areas of focus. It is incumbent upon the SLP to be sure to evaluate (or refer for others to evaluate) any areas beyond those of speech and language if it appears that other factors may have an effect on the production of speech, the use of language, or on other aspects of educational functioning.

18. For eligibility purposes, do all special education evaluations (e.g. speech, psychological, occupational therapy, physical therapy, etc.) require an evaluation report upon completion?

Yes. Georgia Rule 160-4-7-.04(6)(a)(2) states that, upon completion of the administration of tests and other evaluative measures, “the LEA provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parents.” See also 34 C.F.R. § 300.306(a)(2). For initial evaluations, the individual or combined evaluation report(s) should be completed by the end of the 60-day evaluation period.

19. What special considerations are there for evaluation of English Learners (EL)?

The fundamental challenge of evaluating ELs is to tease out any problems that are not due to the difficulty of learning English. In order to do this, it is necessary to: determine the fluency of the child in his/her native language; determine, by comparison, fluency in English; gain an understanding of the child's cultural and family influences; and ensure that assessment materials and instructions are appropriate for and understood by the EL child, including assessing the child in his or her native language, if appropriate. An important method of obtaining pertinent language information is by interviewing key family members. All results obtained must be interpreted in relation to the child's dominant cultural influences. (See the American Speech-Language Hearing Association (ASHA) for more detailed information for children who are English Learners and suspected of having a disability).

20. What happens to children who are not found eligible for special education services?

One recommendation would be for the LEA to provide strategies in the general education setting to assist the child in meeting age-level expectations. Another recommended practice would be to consider eligibility under Section 504 of the Rehabilitation Act of 1973 for those children who have a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. See 34 C.F.R. § 104.3(j)(1). General education classroom accommodations may be all that are needed to give equitable access to a child eligible under Section 504. Another recommendation would be for the child to continue or begin, as appropriate, receiving Student Support Team (SST) services. The SST is responsible for helping design an individual plan for success. The substantial information that comes back from the comprehensive evaluation can assist the SST in this task.

Reevaluation

21. What are the timelines for completing the reevaluation process?

The 60-day timeline only applies to the initial evaluation. Once a child is in special education, all further evaluations are considered reevaluations, regardless of whether there is any change in the disability(ies). The reevaluation must be completed within a reasonable timeframe, no later than the three-year reevaluation date. However, many factors should be considered in determining a reasonable timeframe for the completion of a reevaluation, such as the needs of the child, the date of the last comprehensive evaluation, parent input, and changes in the child's behavior, attendance, and rate of progress.

22. Does a child's eligibility for special education expire after three years?

No. A child's eligibility for special education does not expire. However, the data used in the child's last eligibility report may have expired, be outdated, and no longer valid. In such a case, a comprehensive reevaluation is warranted. Additionally, a reevaluation, which can include only a review of existing evaluation data, must occur at least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary.

23. What is the starting date of the three-year period for a reevaluation?

The date of the completion of the reevaluation process begins the next three-year reevaluation cycle. If, after reviewing the existing data on the child, a child's IEP Team decides no additional data is needed to determine: (1) whether the child continues to have a disability and the educational needs of the child; (2) the present levels of academic achievement and related developmental needs of the child; (3) whether the child continues to need special education and related services; (4) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals in the IEP; and (5) whether any additions or modifications to the special education and related services are needed to enable the child to participate in the general education curriculum, the date of this decision completes the reevaluation process and the last eligibility date does not change. In no more than three years from that date, the need for reevaluation must be considered again. The decision not to conduct any assessments of the child as part of a reevaluation must be documented. Please note that the "burden of proof" for a decision

that no additional data is needed at the three-year mark lies with the LEA. If, after reviewing the existing data on the child, a child's IEP Team decides additional information is needed to determine: (1) the present levels of academic achievement and related developmental needs of the child; (2) whether the child continues to have a disability or additional areas of need due to a disability; (3) whether the child continues to need special education and related services; (4) whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and/or (5) whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum, then after additional assessments are complete, the Team reviews those assessments and determines the child's continued eligibility and educational needs. Once this determination is made, this completes the reevaluation process and the date of this determination is the child's reevaluation date and current eligibility date. In no more than three years from that date, the need for reevaluation must be considered again.

24. When would it be appropriate for a Team to comprehensively review the current data available for a child?

At any time, including during the annual review IEP Team meetings. Similar to the review of existing data that takes place during the reevaluation process, during the annual review of a child's IEP, the Team's review of existing data includes, in part, determining the child's present levels of academic achievement and related developmental needs; whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set forth in the IEP; and whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum.

25. What happens if the parent refuses consent to administer additional assessments as part of a reevaluation?

The LEA may, but is not required to, pursue the reevaluation through mediation or a due process hearing. If the LEA believes, based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services, then the LEA can decide to discontinue the provision of special education services and supports. If the LEA discontinues the provision of special education services, it must provide prior written notice to the parent of its proposal to discontinue the provision of FAPE to the child, including the right of the parent to request mediation or a due process hearing if the parent disagrees with the LEA's decision to discontinue the provision of FAPE to the child. Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations, Question and Answer D-4, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (OSERS), September 2011.

26. If the IEP Team determines that the child continues to be eligible for special education services and it understands the child's current educational needs without additional information, but also determines that an assessment is required for a specific purpose (e.g., educational planning purposes, vocational rehabilitation purposes, social security purposes, etc.), what happens if the

information obtained in that assessment suggests that a change in the child's disability category might be appropriate?

As an initial matter, if the Team determines that formal assessments are needed for "educational planning purposes," then this purpose is part of the educational needs of the child, and formal assessments should be conducted as part of the reevaluation process. If the Team determines that a formal assessment is needed for a non-IDEA related purpose, then this decision is not part of the reevaluation process. Therefore, such determination and additional steps related to that determination are within the discretion of the LEA. However, it is worth noting that IDEA funds should not be used for non-IDEA related assessments. Regardless of whether a formal assessment is conducted as part of a reevaluation, the IEP Team must consider all information. Test scores alone do not determine whether the LEA should reconsider eligibility. On a case-by-case basis, this information should be reviewed and the determination that the child continues to meet eligibility may need to be revised based on the additional information. Eligibility is always a two-prong consideration: (1) Does the child meet the definition of disability in one or more of the IDEA categories; and (2) Does the child's disability adversely impact his/her education so that he/she needs special education and related services? The LEA certainly does not have to wait three years to consider eligibility again. The IEP Team should meet to determine if a comprehensive evaluation is appropriate.

27. How do we address the issue of children not being formally evaluated at multiple successive reevaluation milestones?

Occasionally, children have been evaluated at a young age and found eligible for special education but are never or seldom evaluated again. While this is not prohibited, this is not a best practice. The overriding consideration is that the child's school experience continues to be appropriate every year. This highlights the importance of annual IEP reviews, which include a thorough review of current information about the child. A child whose eligibility and needs were determined at a young age undergo substantial changes during maturation that may call for a new appraisal of needs and appropriateness of placement. Reevaluation can identify and document any changes that have occurred and determine whether the disability is still impacting the child's education and current educational needs.

28. What data are used for progress monitoring for a child who is being reevaluated?

Children currently receiving special education services have progress monitoring data collected from their established IEP goals. These children may also be receiving tiered interventions in areas not currently addressed in their IEP. Depending on the area(s) being evaluated, all this information can be used as needed.

29. What must an LEA do if a request for an evaluation is made during the time period when a child is subject to a disciplinary change in placement that exceeds 10 school days?

The LEA must conduct the evaluation in an expedited manner, and until the evaluation is completed, 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, the LEA must consider information from the evaluation and from the parents and provide special education and related services. See 34 C.F.R. § 300.534(d)(2)(i)-(iii).

30. Is the LEA required to use the state recommended forms?

No; however, it is expected that all of the required components specified in the IDEA will be included in any special education related forms if LEAs choose to develop and utilize different forms.

31. Are school psychologists, speech-language pathologists, occupational therapists, physical therapists, and any other Team members who conduct any portion of the comprehensive evaluation required to write an evaluation report?

Yes. All evaluators must complete individual or combined evaluation reports. The eligibility team must consider the comprehensive evaluation report(s) when determining eligibility.

Chapter 4 Eligibility Determination and Categories of Eligibility

State Rule: 160-4-7-.05

Definitions for Areas of Disability for Children aged 3-21

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 as defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional and behavioral disorder. [34 C.F.R. § 300.8(c)(1)(i)]

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

Evaluations and Assessments

The following evaluations and assessments shall be utilized to determine the presence of the characteristics of autism spectrum disorder.

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 (linguistics including intonation, rhythm and focus in speech), and pragmatic language utilizing both formal and informal measures.
4. Behavioral evaluations 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 autism spectrum disorder.

5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with Autism after age three if the characteristics of Autism are met.

Eligibility and Placement

Eligibility shall be based on assessment of the five characteristic areas associated with Autism. 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. The adverse effect on a child's educational performance shall be documented and based on the following criteria:

1. Developmental rates and sequences: A child exhibits delays, arrests, and/or inconsistencies in the acquisition of motor, sensory, social, cognitive, or communication skills. Areas of precocious or advanced skill development may also be present, while other skills may develop at typical or extremely depressed rates. The order of skill acquisition frequently differs from typical developmental patterns.
2. Social interaction and participation: A child displays difficulties and/or idiosyncratic differences in interacting with people and participating in events. Often a child is unable to establish and maintain reciprocal relationships with people. A child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
3. Communication (verbal and/or nonverbal): A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a nonverbal communication impairment. Some children with Autism may have good verbal language but have significant problems in the effective social or pragmatic use of communication.
4. Sensory processing: A child may exhibit unusual, repetitive, or unconventional responses to sensory stimuli of any kind. A child's responses may vary from low to high levels of sensitivity.
5. Repertoire of activities and interests: A child may engage in repetitive activities and/or may display marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The capacity to use objects in an appropriate or functional manner may be absent, arrested, or delayed. A child may have difficulties displaying a range of interests and/or imaginative play. A child may exhibit stereotypical body movements.

A child with Autism may be served by any appropriately certified teacher in any educational program as described in the child's IEP. The identification of Autism for educational programming does not dictate a specific placement; however, it is based on the assessed strengths, weaknesses, and individual goals and objectives of the child.

Deafblind (DB)

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 a current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals. Children who are deafblind shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), and an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report is required indicating the dates of the audiological evaluation and a description of the results of the audiological testing and amplification evaluation. In addition, the report should include a description of classroom environmental modifications which will assist the IEP team in making instructional decisions, the child's ability to understand spoken language with and without amplification, and an interpretation of the results as they apply to the child in his or her classroom setting.
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/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. The eligibility report shall include audiological, otological and educational evaluation reports.

- a. Audiological evaluations shall be provided with initial referral. Children who are Deaf/Hard of Hearing shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), an analysis of a FM system check (if utilized). A comprehensive written report shall be included in the audiological evaluation. This written report shall include, but is not limited to: the date of the audiological evaluation, description of the results of the audiological testing, an amplification evaluation including the child's ability to understand spoken language with and without amplification, as well an interpretation of the results as they apply to the child in his or her classroom setting.
 - b. An otological evaluation report from appropriately licensed or certified personnel is required at the time of initial placement in the program for the Deaf/Hard of Hearing. The otological evaluation report is required as medical history pertinent to the absence of hearing. If such a report is not available upon initial placement, it shall be obtained within 90 days of placement. The initial or most recent otological evaluation result shall be summarized and that otological evaluation report shall be attached to the eligibility report.
 - c. A comprehensive educational assessment shall be used in the development of the child's IEP. The educational evaluation shall include assessment data from more than one measure and shall include, but is not limited to, information related to academic/achievement levels, receptive and expressive language abilities, receptive and expressive communication abilities, social and emotional adjustment and observational data relative to the child's overall classroom performance and functioning.
2. Psychological evaluation, using instruments appropriate for children who are Deaf/Hard of Hearing, is recommended as part of the overall data when eligibility is being considered.
 3. Children who exhibit a unilateral hearing loss may be considered for eligibility provided documentation exists that indicates academic or communicative deficits are the result of hearing loss.

Additional Requirements

1. An evaluation of the communication needs of a child who is Deaf/Hard of Hearing shall be considered in the program and class placement decisions. An evaluation of a child's communication needs shall include, but is not limited to: language and communication needs and abilities, opportunities for direct communication with peers and professional personnel in the child's preferred language and communication mode, severity of loss, educational abilities, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

2. Any classroom to be used for a child who is deaf or hard of hearing shall be sound treated and present an appropriate acoustical environment for the child. All placements, including regular education placements and desk arrangements within classrooms shall be made so that environmental noise and interruptions are minimized.
3. Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.
4. Each LEA shall have written procedures to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

Emotional and Behavioral Disorder (EBD)

Definition

EBD is an emotional disability characterized by the following:

1. An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.
2. An inability to learn which cannot be adequately explained by intellectual, sensory or health factors.
3. A consistent or chronic inappropriate type of behavior or feelings under normal conditions.
4. A displayed pervasive mood of unhappiness or depression.
5. 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

The team determines that the child is a child with a disability [34 C.F.R. § 300.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. [34 C.F.R. § 300.8(b)(2)]

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:
 - a. Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or

- alternative placement available to all children, and data based progress monitoring of the results of interventions.
- b. Psychological and educational evaluations
 - c. Report of behavioral observations over a significant period of time;
 - d. Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and
 - e. Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.
2. A child should not be determined to be a child with an EBD if the primary factor for that determination is:
- a. Lack of appropriate instruction in reading, including the essential components of reading instruction;
 - b. Lack of appropriate instruction in math;
 - c. Lack of appropriate instruction in writing;
 - d. Limited English proficiency;
 - e. Visual, hearing or motor disability;
 - f. Intellectual disabilities;
 - g. Cultural factors;
 - h. Environmental or economic disadvantage; or
 - i. Atypical education history (multiple school attendance, lack of attendance, etc.).
3. The term does not include children with social maladjustment unless it is determined that they are also children with EBD. A child whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement. Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

Intellectual Disability (ID)

Definition

Intellectual Disability refers to significantly subaverage 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.

1. Significantly subaverage 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.
 - a. 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. The standard error of measurement for a test may be found in the technical data section of the test manual.
 - b. 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 subaverage 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.
2. 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.
 - a. The child demonstrates significantly subaverage 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 should 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.
3. Deficits in intellectual functioning and adaptive behavior should have existed prior to age 18.
4. A child should not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:
 - a. Lack of appropriate instruction in reading, including the essential components of reading instruction;
 - b. Lack of appropriate instruction in math;
 - c. Lack of appropriate instruction in written expression;
 - d. Limited English proficiency;
 - e. Visual, hearing or motor disability;
 - f. Emotional disturbances;
 - g. Cultural factors;
 - h. Environmental or economic disadvantage; or
 - i. Atypical educational history (multiple school attendance, lack of attendance, etc.).

Eligibility and Placement

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. Intellectual functioning and adaptive behavior shall be considered equally in any determination that a child is eligible for services in the area of Intellectual Disability. A comprehensive educational evaluation shall be administered to determine present levels of academic functioning. The report shall be prepared for each child to provide an adequate description of the data collected and explicit pre-referral interventions prior to evaluation and to explain why the child is eligible for services in a program for children with Intellectual Disabilities. In situations where discrepancies exist between test score results from intellectual functioning, adaptive behavior and academic achievement, the eligibility report should contain a statement of specific factors considered which resulted in the decision of the eligibility team. Eligibility teams should establish that any limits in performance are not primarily due to the exclusionary factors and should document this in the eligibility report:

A child may be classified as having an intellectual disability at one of the levels listed below.

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

OI 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

Evaluation for initial eligibility shall include the following:

1. A current medical evaluation from a licensed doctor of medicine. The evaluation report used for initial eligibility shall be current within one year. The evaluation shall indicate the diagnosis/prognosis of the child's orthopedic impairment, along with information as applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions.
2. A comprehensive educational assessment to indicate the adverse effects of the orthopedic impairment on the child's educational performance.
3. Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, motor development, or communication abilities resulting from the OI. When assessment information indicates significant deficit(s) in cognitive/academic functioning, a psychological evaluation shall be given.

Children served in a program for OIs should be functioning no lower than criteria outlined for mild intellectual disabilities programs. For those children with OIs served in other special education programs due to the severity of their sensory or intellectual disability, support by the OI teacher regarding the implications of the child's orthopedic impairment may be appropriate.

Other Health Impairment (OHI)

Definition

OHI 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 deficit 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 of 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

1. Evaluation for initial eligibility shall include the following:
 - a. The medical evaluation from a licensed doctor of medicine, or in the case of Attention-Deficit/Hyperactivity Disorder (ADHD), an evaluation by a licensed doctor of medicine or licensed clinical psychologist, should be considered by the child's Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the child's health

- impairment, along with information as applicable regarding medications, special health care procedures and special diet or activity restrictions. The evaluation report used for initial eligibility shall be current within one year and should document the impact of the physical condition on the vitality, alertness or strength of the child. In cases of illness where the child's physical health and well-being are subject to deterioration or change, this report shall be updated as frequently as determined by the IEP Committee. A medical diagnosis does not automatically include or exclude a child from determination of eligibility.
- b. A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child's educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor, or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given.
 - c. A child should not be determined to be a child with OHI if the determinant factor for that determination is:
 - i. Lack of appropriate instruction in reading, including the essential components of reading instruction;
 - ii. Lack of appropriate instruction in math;
 - iii. Lack of appropriate instruction in writing;
 - iv. Limited English proficiency;
 - v. Visual, hearing or motor disability;
 - vi. Intellectual disabilities;
 - vii. Emotional disturbances;
 - viii. Cultural factors;
 - ix. Environmental or economic disadvantage; or
 - x. Atypical educational history (attendance at multiple schools, lack of attendance).

Placement and Service Delivery

1. A child meeting eligibility criteria may be served by any appropriately certified teacher in any educational program, as specified in the child's IEP.
2. According to State Board of Education Rule 160-1-3-.03 Communicable Diseases, the district shall allow a child infected with a communicable disease to remain in his or her educational setting unless he or she currently presents a significant risk of contagion as determined by the district after consultation with the child's physician, a knowledgeable public health official and/or a physician designated by the LEA (at the LEA's option).

Significant Developmental Delay (SDD)

Definition

The term SDD 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

1. Initial eligibility should 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 1.5 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 should be utilized to determine the extent of the delay. All formal assessments should be age appropriate, and all scores should be given in standard deviations.

4. For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation should 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. Students with sensory, physical or communication disabilities should receive services appropriate for their needs, whether or not specific eligibility is determined.

Placement and Service Delivery

1. Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing special education services may receive those services in a variety of placement options, as determined by the child's IEP Team and participation by other agencies, such as, but not limited to:

- a. Regular Early Childhood Setting
 - i. Head Start Programs
 - ii. Georgia Pre-K Classes
 - iii. Community Daycares
 - iv. Private Preschools
- b. Separate Early Childhood Special Education Setting:
- c. Day School
- d. Residential Facility
- e. Service Provider Location
- f. Home

2) School-aged children with SDD shall be served by any appropriately certified teacher in any education program designed to meet the needs of the child, as specified by the child's IEP Team.

Specific Learning Disability (SLD)

Definition

1. SLD 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 SLD 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 should 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 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.

Exclusionary Factors

1. A child should not be determined to be a child with a specific learning disability if the determinant factor for that determination is:

- Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension);
- Lack of appropriate instruction in math;
- Lack of appropriate instruction in writing;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Intellectual disabilities;
- Emotional disturbances;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical educational history (such as irregular school attendance or attendance at multiple schools) [See 34 C.F.R. § 300.309(a)(3)]

Required Data Collection

1. In order to determine the existence of SLD, the group should summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards and intellectual development. Ultimately, SLD is determined through professional judgment using multiple supporting evidences that should include:
 - a. Data are collected that include:
 - i. At least two current (within twelve months) assessments such as the results of the GA Milestones or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
 - ii. Information from the teacher related to routine classroom instruction and monitoring of the child's performance. The report should document the child's academic performance and behavior in the areas of difficulty.
 - iii. Results from supplementary instruction that has been or is being provided:
 1. that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;

2. such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies should be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or state-approved grade-level standards within a reasonable time frame;
- iv. The interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.
- b. Any educationally relevant medical findings that would impact achievement.
- c. After consent is received from the parents for a comprehensive evaluation for special education determination the following should occur:
 - i. An observation by a required group member;
 - ii. Documentation that the determination is not primarily due to any of the exclusionary factors;
 - iii. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and
 - iv. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards should include:
 1. A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment should be current within twelve months and
 2. Current RTI data-based documentation indicating the lack of sufficient progress toward the attainment of age or state-approved grade-level standards.
 3. As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

1. The child who is eligible for services under the category of SLD should exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by ongoing progress monitoring.

2. Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence should be included documenting that the processing deficits are relevant to the child's academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or state-approved grade level standards, the results of progress monitoring should indicate that the child is not making the expected progress toward established benchmarks. This is indicated by comparing the child's rate of progress toward attainment of grade level standards.
3. Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:
 - a. Oral expression - use of spoken language to communicate ideas;
 - b. Listening comprehension - ability to understand spoken language at a level commensurate with the child's age and ability levels;
 - c. Written expression - ability to communicate ideas effectively in writing with appropriate language;
 - d. Basic reading skills - ability to use sound/symbol associations to learn phonics in order to comprehend the text;
 - e. Reading comprehension - ability to understand the meaning of written language based in child's native language;
 - f. Reading Fluency Skills - the ability to read and process a text with appropriate rate and accuracy;
 - g. Mathematics calculation - ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and
 - h. Mathematical problem solving - ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.
4. Progress monitoring includes the data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting child progress during instruction. When reviewing progress monitoring data, those students that exhibit a positive response to the research validated instruction being provided by general education that cannot be considered to support an eligibility of a SLD even though they may show deficits on achievement tests in the specified areas. In addition, children whose

achievement in classroom academics indicates performance that is commensurate with pervasive weaknesses that are not indicative of a pattern of strengths and weaknesses may not be considered as having a SLD.

5. One group member responsible for determining SLD should conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the child is conducted in the learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The observation should include information from the routine classroom instruction and monitoring of the child's performance.

The SLD Eligibility Group

1. The determination of whether a child suspected of having a specific learning disability is a child with a disability should be made by the team as described in IDEA that should include:
 - a. The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age;
 - b. A highly qualified certified special education teacher; and
 - c. A minimum of one other professional qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child's individual needs.
2. Each team member should certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the group member should submit a separate statement presenting the member's conclusions.

Speech-Language Impairment (SI)

Definitions

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

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

- b. Communication problems primarily from regional, dialectic, and/or cultural differences;
 - c. Speech sound errors at or above age level according to established research-based developmental norms, speech that is intelligible and without documented evidence of adverse effect on educational performance;
 - d. Physical structures (e.g., missing teeth, unrepaired cleft lip and/or palate) are the primary cause of the speech sound impairment; or
 - e. Children who exhibit tongue thrust behavior without an associated speech sound impairment.
2. Language Impairment: Impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance. The term language impairment does not include:
- a. Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
 - b. Children who have regional, dialectic, and/or cultural differences
 - c. Children who have auditory processing disorders not accompanied by language impairment.
 - d. Children who have anxiety disorders (e.g., selective mutism) unless it is also determined that they have a speech language impairment. There should be a documented SI that adversely affects the educational performance for these children to qualify for special education services.
3. Fluency Impairment: Interruption in the flow of speech characterized by an atypical rate, or rhythm, and/or repetitions in sounds, syllables, words, and phrases that significantly reduces the speaker's ability to participate within the learning environment. Excessive tension, struggling behaviors, and secondary characteristics may accompany fluency impairments. Secondary characteristics are defined as ritualistic behaviors or movements that accompany dysfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include dysfluencies evident in only one setting or reported by one observer.
4. Voice/Resonance Impairment: Interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker's ability to

communicate effectively. Voice/Resonance impairment includes aphonia or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual's age and/or gender. The term voice/resonance impairment does not refer to:

- a. Anxiety disorders (e.g., selective mutism);
- b. Differences that are the direct result of regional, dialectic, and/or cultural differences;
- c. Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux, colds, abnormal tonsils or adenoids, short-term vocal abuse or misuse, neurological pathology); nor
- d. Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child's performance in the educational environment and is amenable to improvement with therapeutic intervention.

Evaluation, Eligibility and Placement

All of the special education rules and regulations related to evaluation, eligibility and placement should be followed including:

Evaluation

1. Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.
2. A comprehensive evaluation shall be performed by a certified or licensed SLP for consideration of SI 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.
3. A full and individual initial evaluation for each area suspected of being a disability should be provided and considered prior to the child's eligibility for speech-language services. This may include assessments in the areas of health (e.g., ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
4. The evaluation is sufficient to identify all of the child's special education and related services 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)].

5. Children with voice/resonance impairment should 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. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the Team as a part of the eligibility process. The Team, not a medical practitioner, determines the need for an evaluation for special education services based on the documented adverse effect of the voice impairment on the child's educational performance.
6. A variety of assessment tools and strategies should be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities) [34 C.F.R. §300.304(b)(i)].

Eligibility

1. Determining eligibility for SI special education services includes three components:
 - a. The SLP determines the presence or absence of speech-language impairment based on Georgia rules and regulations for special education [34 C.F.R. § 300.8(c)(11)]
 - b. Documentation of an adverse effect of the impairment on the child's educational performance
 - c. The team determines that the child is a child with a disability [34 C.F.R. 00.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. [34 C.F.R. 300.8(b)(2)]
2. Eligibility shall be determined based on the documented results of at least two or more measures or procedures, at least one of which should be formal, administered in the area of impairment and documentation of adverse effect.
3. A speech-language disorder does not exist if:
 - a. Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or
 - b. A child exhibits inconsistent, situational, transitory, or developmentally appropriate speech-language difficulties that children experience at various times and to various degrees.

- c. Because children who have communication difficulties do not necessarily have speech or language impairments, the SI program may not be the appropriate service delivery model to adequately meet the child's educational needs. For this reason, all children who are suspected of having communication problems shall be the subject of a SST to problem solve and implement strategies to determine and limit the adverse effect on the child's educational performance.
4. For nonverbal or verbally limited children and those with Autism and/or significant intellectual, sensory, or physical disabilities, a multidisciplinary team of professionals shall provide a functional communication assessment of the child to determine eligibility for SI services. The multidisciplinary team shall consist of professionals appropriately related to the child's area of disability.
5. A child is eligible for placement in a SI program if, following a comprehensive evaluation, the child demonstrates impairment in one or more of the following areas: speech sound, fluency, voice, or language that negatively impacts the child's ability to participate in the classroom environment. The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, should be documented in writing and used to assist in determining eligibility.

Placement

Placement in the SI program should be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information. Children should not be excluded from a speech-language program based solely on the severity of the disability. Cognitive referencing (i.e., comparing language scores to IQ scores) is not permissible as the only criteria for determining eligibility for SI services.

Communication Paraprofessionals- A communication paraprofessional is an adjunct to the SLP and assists with certain duties and tasks within the SI program. The communication paraprofessional is under the supervision of a certified or licensed SLP. The communication paraprofessional cannot carry their own caseload, nor do they increase the certified SLP's caseload outside of a self-contained classroom. The primary responsibility for the delivery of services, as indicated on the IEP, remains with the certified or licensed SLP. Children who receive services from the communication paraprofessional shall also receive services from the supervising SLP and/or licensed or certified SLP a percentage of the time designated in the IEP for speech-language services, but no less than one hour per month. Each LEA should develop and implement procedures for the training, use and supervision of communication paraprofessionals.

Traumatic Brain Injury (TBI)

Definition

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, such as brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)]

Eligibility

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:
 - i. A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or
 - ii. 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:
 - i. 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.
 - ii. 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.
 - iii. 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 IEP Team minutes.

Visual Impairment (VI) and Blindness

Definitions

A child with a VI 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 VI 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.
 - a. A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment.
2. A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind;
 - a. If the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility.
 - i. The low vision evaluation should be completed by age 10 for children who do not have one during eligibility determination prior to age 8 unless other circumstances apply.
 - ii. The low vision evaluation is often difficult to schedule within the 60-day timeline, therefore, if children meet all other eligibility requirements, the eligibility report shall document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision.
 - iii. Once the low vision evaluation has occurred, the eligibility information shall be updated, and as appropriate, the IEP.
 1. The low vision evaluation should occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment.
3. A comprehensive education evaluation should be administered to determine present levels of functioning. The impact of the VI on the child's educational performance shall be considered for eligibility.

- a. Educational assessments may include cognitive levels, academic achievement, and reading ability.
 - i. Educational assessments related to vision should be completed by a teacher certified in the area of visual impairments.
 - b. In some cases, comprehensive psychological evaluations may be indicated and should be completed by appropriately certified personnel.
4. Braille instruction is always considered critical to appropriate education for a child who is blind. Children identified with VIs shall be evaluated to determine the need for Braille skills. The evaluation will include the present and future needs for Braille instruction or the use of Braille. For children for whom Braille instruction and use is indicated, the IEP shall include the following:
- a. Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;
 - b. How instruction in Braille will be implemented as the primary mode for learning through integration with other classroom activities;
 - c. Date on which Braille instruction will commence;
 - d. The length of the period of instruction and the frequency and duration of each instructional session; and
 - e. The level of competency in Braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used.
 - f. For those children for whom Braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicates the absence of Braille instruction will not impair the child's ability to read and write effectively.

This rule became effective March 31, 2010.

Determination of Eligibility by Eligibility Team

When a referral for special education evaluation is made, the evaluation will be conducted by a multidisciplinary team deemed appropriate for thoroughness and comprehensiveness. This Team may consist of a school psychologist, SLP, special education teacher, occupational therapist, physical therapist, regular education teacher, LEA, parents, and others as appropriate for 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. It is recommended that the student be given a hearing and vision screening during the SST or other pre-referral process, if issues have been noted, and that such results be current within one calendar year. The student's parents are considered members of this Team. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the student.

For students referred for initial eligibility consideration, the school psychologist is responsible for submitting a completed Eligibility Report (ER) which will include input from multiple sources (Counselors, SLP, OT, PT, etc.). All sections of the ER are to be completed. The ER should document the following information to determine eligibility for a student:

1. A documented case history
2. A summary of interventions and data prior to referral
3. A summary of progress monitoring towards achieving standards
4. Results of relevant district, state and benchmark assessments
5. Individual student data, as applicable
6. Consideration of exclusionary factors

Exclusionary Factors for Eligibility

A student is eligible to receive special education services if the Eligibility Team determines the student meets eligibility criteria outlined above in each category AND the student does not meet any of the exclusionary factors that would prevent special education eligibility. The exclusionary factors that should be addressed in each eligibility meeting include:

1. Lack of appropriate instruction in reading;
2. Lack of appropriate instruction in math;
3. Lack of appropriate instruction in writing;
4. Limited English proficiency;
5. Cultural Factors;
6. Environmental or economic disadvantage;
7. Atypical educational history;
8. Visual, hearing, or motor disability;
9. Selective mutism, tongue thrust, or dialectal differences in language.

Documentation of Eligibility/Ineligibility

A variety of appropriate sources and well-documented individually-administered tests and tools may include but are not limited to:

1. Academic Achievement
2. Cognitive Ability

3. Social/Emotional/Behavioral
4. Speech Language
5. Parent/Teacher/Child Questionnaire
6. Adaptive Behavior
7. Parent Information and Input
8. Teacher Input (verbal or written descriptions/analyzed classroom work samples)
9. School-Wide Standardized Testing Results
10. Medical Information, as appropriate
11. Classroom Observations
12. Prior Testing Done in Private Settings
13. Prior Testing Done in Other School Settings, such as Formative Assessments from Classroom Progress Monitoring

Evaluation Report and Determination Provided to Parents

To qualify for special education placement, each student should meet eligibility requirements for at least one area and not meet exclusionary criteria that would prevent eligibility. Designated personnel will review assessment data and other information to determine the student's program eligibility. Although the Eligibility team has the responsibility of determining the student's program eligibility, the IEP team will determine placement based upon IEP programming requirements. Eligibility should be demonstrated prior to initial placement in a program and should be demonstrated at the time of reevaluation consideration. Eligibility based on re-evaluation should be completed for any student suspected of no longer needing special education services.

Local Guidance

A copy of the signed and completed evaluation report and the eligibility determination will be provided, at no charge, to the parent.

The School Psychologist will upload a copy of the evaluation report prior to the IEP meeting in GO-IEP.

Chapter 5 Individualized Education Program (IEP)

State Rule: 160-4-7-.06

The IEP serves as the framework for determining the meaning of the term “free appropriate public education” in the least restrictive environment (LRE), a term frequently referenced in the IDEA. IEPs should be developed and reviewed annually and should be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the district requests a review. The IEP is also completed within 30 calendar days of the initial eligibility determination. Prior to the implementation of the initial IEP, a signed [Consent for Provision of Special Education and Related Services](#) should be obtained by ECSD personnel. The IEP should be current within the year and accessed by all service providers.

Definition of IEP Team

At a minimum, the IEP team is defined as and should include:

1. The parent (or the person acting as the parent under the IDEA);
2. Not less than one of the student’s regular education teachers, if the student is or may be participating in the regular education environment (for preschool students, this representative is someone who is currently providing preschool services to nondisabled preschool students);
3. Not less than one of the student’s special education teachers or special education providers; and
4. A LEA representative who meets the following requirements:
 - a. is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the student;
 - b. is knowledgeable of the general education curriculum; and
 - c. is knowledgeable about the availability of resources in the LEA; and
5. Someone who can interpret evaluation results related to classroom instruction and settings (this person may be someone already listed above with the exception of the parent).
6. The child with a disability, when the transition services plan is being discussed, or earlier as appropriate

Other members included under certain circumstances:

1. Other individuals who have knowledge or special expertise regarding the student, including related services personnel (based on the discretion of the parent or LEA);
2. A representative of any agency that is likely to provide or pay for any transition services, if appropriate, and with consent of the parent or student (if he or she has reached the age of 18).

Local Guidance For English Learners (ELs) and ACCESS

If the student receives EL support:

1. Invite the English to Speakers of Other Languages (ESOL) teacher to every IEP meeting. The ESOL teacher is considered a required team member in this IEP meeting.
2. During the meeting, the team should include all state testing accommodations, including ACCESS, under the State Testing tab in GO-IEP.
3. During the meeting, the ESOL teacher should review the TPC located in IC to ensure that the testing accommodations listed within the IEP are correct.

4. When preparing the draft, the case manager will contact the ESOL teacher for assessment data to include in the IEP.
5. The IEP meeting minutes should record the presence of the ESOL teacher.
6. Contact Program Manager with questions.

The Role of Parents

The parents of a student with a disability are necessary participants in the development of the IEP. It is important that parents provide information about their views of the student's progress or lack of progress, as well as express any concerns about the overall educational development of the student. Parents provide important knowledge about how the student behaves and performs outside the school setting.

Parents should be involved in every part of the development of the IEP.

Local guidance for notifying parents of an IEP meeting:

1. Parents should be contacted at least twice confirming the date/time/etc. of the meeting.
2. The two notices should be different types of communication with one being a written Parent Notification of Meeting (e.g., Parent Notification of Meeting and a phone call).
3. If the parent is not present at the designated meeting time, the team should contact the parent to offer participation via phone. This is considered a third contact.
4. ECSD staff should document all attempts in the General Contact Log in IC.

Special Parent Requirements

The LEA should take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. (See 34 C.F.R. §300.322(e).) In the event that a parent requires a translator or interpreter, it is the responsibility of the LEA to ensure that an appropriate and qualified adult is available to serve in that capacity.

The Role of the General Education Teacher

A general education teacher of the student should be invited and should attend the meeting if the student is currently or may be participating in a general education environment unless the parent agrees, in writing, to excuse the teacher. At the IEP Team meeting, the general education teacher is present to participate in the development, review, and revision of the IEP. The general education teacher supports the determination of appropriate accommodations, supplemental aids and services, program modifications, and support for LEA personnel that will be provided to assist the student. The general education teacher also supports the development of a Behavior Intervention Plan, if appropriate, and positive behavioral supports and other strategies that the student needs. (See 34 C.F.R §300.324(a)(3).) The general education teacher is also critical in determining the least restrictive environment and access to the general education curriculum.

The IEP Team should complete all sections of the IEP. See required sections of the IEP below for more details.

Required Sections of the IEP

Present Levels of Performance

The PLAAFP section establishes the starting point or baseline that is used to develop the entire IEP. It includes a description of the student'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 student's participation in the regular education curriculum; any concerns of the parent; and, for preschool students, the effect 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 PLAAFP, which should include the following:

Assessments and Identified Needs (Academic, Functional, and Developmental)

1. **Assessments:** The results of the initial or most recent evaluation of the student should include a summary of the relevant information from the student's evaluation (not just a listing of scores). This section does not have to include only the results and recommendations of formal evaluation measures performed on a student. It should also include additional formative and summative assessments used for instructional purposes that are often more recent than the formal evaluation measures.
2. **Identified Needs:** This area should describe specific needs that impact performance and achievement in academic, developmental, and functional areas and should be addressed through the IEP goals and/or objectives or through accommodations.

Effect/Impact of the Disability

Parental Concerns

Additional information should be included in the IEP, including a discussion of student strengths, parental concerns, and the effect of the disability. In GO-IEP, this information is included under the "Other" tab.

1. **Areas of strength** may refer to:
 - a. Academic subjects, such as ELA and Math;
 - b. Developmental areas, such as: communication, motor, cognitive, and social/emotional;
 - c. Functional areas, such as self-care, social skills, daily living; and
 - d. Communication, social/emotional, and executive functioning.
2. **Effect of the disability on involvement and progress in the general education curriculum:**
 - a. This section should describe individual characteristics of the student's disability that affect his or her classroom performance.
 - b. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems.
 - c. This section should 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.
 - d. Statements should reflect individual needs and not be applicable to a large group of students.
3. **Parental concerns regarding the student's education:**

- a. What is written in this section should be the result of ongoing communication with the parent regarding the student's academics, behavior, performance on goals, and/or future plans.
- b. The parent should be provided an opportunity for specific input.
- c. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, the information entered should be drawn from communication that has occurred over the previous school year with the parent.
- d. Parent attendance at the meeting should not be discussed in this section. Instead, parent attendance can be addressed in the minutes.

Consideration of Special Factors

Consideration of Assistive Technology

Consideration of special factors should be documented in the IEP. The factors to consider are: accessible formats, assistive technology, behavioral intervention plans, blind/visual impairment, communication, deaf or hard of hearing, and English learners. Needs should be clearly described in an individualized manner. If needs are determined in any of these areas, the IEP should include a description of the supports and/or services that will be provided to the student. In GO-IEP, the IEP Team is required to address the following: Accessible Formats, Assistive Technology, Behavioral Intervention Plan, and Communication. Any other area should only be addressed if it is related to the student's disability. Blind or Visually Impaired should only be completed for students with eligibility categories of Visual Impairment, Blind, or Deafblind. Deaf or Hard of Hearing should only be addressed if the student is served under either Deaf/Hard of Hearing or Deafblind. English Learner should only be addressed for students identified as EL.

Measurable Annual Goals

IEP annual goals are written to address an individual student's needs/deficits in order to enable that student to be involved in and 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 annual goals should address the needs described in the PLAAFP that will enable the student to progress in the grade-level standards-based curriculum and meet the student's other educational needs that result from the identified disability. The goals should be written in measurable form and should describe what the student can be reasonably expected to accomplish within twelve months.

Example of Needs: The student is unable to maintain attention to complete a task longer than 2-3 minutes as measured by teacher charted data.

Example of Goal: Given a task or direction, the student will begin the task within 1 minute and remain on task for at least 10 minutes independently with no more than 2 prompts on 8 out of 10 independent tasks as measured by teacher charted data by the end of the IEP term.

Benchmarks/Short Term Objectives for Students on Alternative Assessment

Short-term objectives are not required for all students. Only those students who participate in an Alternate Content Standards Classroom or are assessed Georgia Alternate Assessment (GAA) are required to have either benchmarks or short-term objectives. However, nothing prohibits a LEA from recommending short-term objectives for all students.

At times, a parent or team member may request short-term objectives for a particular area of the IEP. Even though they may not be required, this is an IEP Team decision.

Local Guidance

Students served in an alternate content standards classroom should have two objectives for each goal.

Criteria for Measurement of Goals/Objectives

The goals and/or objectives should be written in measurable form and should describe what the student can be reasonably expected to accomplish within twelve months.

Progress Reporting and Schedule

Federal Law requires that progress towards annual goals and objectives be reported to parents of students with disabilities at least as often as that of non-disabled peers. Per the GaDOE Implementation Manual, the parent should be informed of when they will receive a report of the student's progress or lack thereof on goals and objectives, but this does not have to be as frequently as all students receive academic progress reports. LEAs have flexibility in determining how often progress on IEP goals will be provided to parents. Progress on postsecondary goals should also be included in IEP progress reports.

Teachers and special education service providers document a student's progress on goals and objectives by a means consistent with what is indicated in the IEP. Appropriate data should be collected and analyzed on an ongoing basis to make decisions regarding a student's needs, instructional strategies, accommodations, and/or services and placement. If a teacher or service provider believes the student is making better or less than expected progress which requires revisions to the IEP, an amendment may be required to the IEP.

The Case Manager should:

1. Complete progress reports for each student on his/her caseload, using data from progress monitoring as indicated in the IEP.
2. Develop a data reporting format at the time the goal/objective is written
3. Establish a baseline for each goal/objective.
4. Establish a level of mastery for each goal/objective.
5. Collect data on goal/objective.
6. Maintain data collection artifacts (e.g., work samples, etc.).

Local Guidance

1. Case Managers should view their GO-IEP Dashboard at least weekly to identify progress report due dates.
2. Progress reports should be completed every 9 weeks, but this will align with the IEP annual review date, not necessarily the 9-week marking period.
3. Progress reports should be provided to the parent via the student or by mail.
Caution: student records containing student GTID numbers should not be emailed outside the district.
4. Date and method of delivery should be documented in the IC General Contact Log.

Plan for Services with Frequency, Location, and Duration of Services

The IDEA requires each IEP to include a statement of the special education and related services and supplemental aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

1. To advance appropriately toward attaining the annual goals;
2. To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
3. To be educated and participate with other students with disabilities and nondisabled students in the academic, nonacademic, and extracurricular activities.

The IEP Team should identify the appropriate frequency, location, and duration of the student's services within the IEP.

Placement Options

Special education is a service, not a place. After the IEP Team has reviewed all required information and developed an IEP, it should make the decision as to where services need to be delivered in order to enable the student to receive a FAPE in the LRE. Placement decisions should start with the expectation that services will be provided in the regular education setting and should be made on a subject by subject basis. The placement decision should be fully supported by the PLAAFP and by the level of support and accommodations/modifications the student requires to access the general education curriculum.

Explanation for Exclusion of Participation with Non-disabled Peers

ECSD supports placement decisions that allow students with disabilities to access the curriculum and receive instruction with non-disabled peers to the greatest extent possible. Any decisions to remove students from participating with non-disabled peers should be fully explained and supported with data and documentation.

Related Services

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:

1. Speech-language pathology;
2. Audiological services;
3. Psychological services;
4. Physical and occupational therapy;
5. Social work services;
6. Counseling services, including rehabilitation services;
7. Orientation and mobility services;
8. Interpreting services;
9. School health or school nurse services;
10. Medical services;
11. Parent training;
12. Recreation, including therapeutic recreation; and
13. Transportation.

To determine what special education services and related services will be provided to the student, the IEP Team should review the student's PLAAFP, assessment results, annual goals, and, if appropriate, short-term objectives that are included in the IEP. Any services should be based on the unique needs and abilities of the student and help the student advance appropriately toward attaining the annual goals.

The IDEA refers to related services and supplemental 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:

1. Recommended special education and related services section,
2. Supplemental aids and services section, and
3. Instructional accommodations and/or modifications section.

Special Transportation

Transportation services will be considered for all students with disabilities on an individual basis. The majority of students with special needs can be transported on a regular routed bus if bus services are needed. Students with IEPs may require special transportation as a related service. The need for this service should be discussed during an IEP meeting at least annually. Special transportation could require one of the following for an individual student:

1. Adapted equipment such as a power lift.
2. An adapted route requiring special transportation beyond the local school system boundaries.
3. Additional staffing such as a bus aide assigned specifically to that individual student.

The rationale for special transportation should be documented in the student's IEP. Students who are approved for the Special Needs Scholarship transfer to a school other than the home school and are not eligible for special transportation to the selected school.

Special Transportation Local Guidance

If the IEP Team determines that special transportation is needed for a student, the case manager should complete the Transportation Form in Google. The form will be submitted directly to, Assistant Transportation Coordinator. The form should be updated when any changes are made to the student's bus transportation. Special Transportation services should be indicated in the IEP as a Related Service. Once transportation has been arranged, the Transportation Department will notify the parent(s). In the IEP, this service should be documented under the Service tab as a Related Service.

Student Supports

Student support should be documented in the IEP and consist of accommodations and/or modifications for instruction and testing, supplemental aids and services, and/or supports for LEA 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 in academic, nonacademic, or extracurricular activities.

Instructional Accommodations or Modifications

Instructional accommodations may include how instruction is provided, how the student is expected to respond instructionally, how the student participates in classroom activities, and the kinds of instructional materials used. Accommodations provide students with disabilities a variety of ways to access the Georgia Standards of Excellence so their disabilities are not barriers to achievement. Students receiving 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 or modified instruction.

Modifications are instructional adaptations that allow the student to demonstrate what he knows or can do. Modifications change the target skill and may reduce learning expectations or affect the content in such a way that what is being taught is fundamentally changed. Examples of instructional modifications include having the same activity as other students, but the expectations and materials are individualized; using simplified vocabulary and reading materials when reading comprehension and/or fluency are the learning targets; and solving single-step problems when the grade-level expectation is to work on multi-step problems.

Testing Accommodations or Modifications

Classroom testing accommodations should be individualized, determined by subject area, and be as specific as possible. For example, if a student requires 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. Research shows that providing a student with an accommodation for testing that he or she is not familiar with during instruction will impair his or her performance and not allow the student to demonstrate what he or she actually knows

Testing modifications are test adaptations that allow the student to demonstrate what he knows or can do. Modifications change the target skill and may reduce learning expectations and/or affect the content in such a way that what is being tested is fundamentally changed and creates a different standard for the student receiving the modifications as compared to the grade-level standard. Examples of testing modifications may include rewording questions in simpler language and providing reading passages at a grade-level below the student's current grade level.

For students who need accommodations that are listed as conditional in the GMAS allowable accommodations chart, please complete the consideration for conditional accommodations Google form. These submissions will be reviewed each month. The dates are listed in the Department of Exceptional Students Google calendar.

Supplemental Aids and Services

Supplemental aids and services should include supports accessed by all service providers that are provided in regular education classes or other education-related settings to enable

students with disabilities to be educated with nondisabled students to the maximum extent appropriate as well as participate in nonacademic and extracurricular activities as determined by the IEP Team. Examples include: tutoring, adult assistance, note-taking, peer helper, pre-teaching/re-teaching or reinforcing concepts, behavior intervention plan, point sheet, or assigned seating. Some accommodations used for instruction may also be considered a supplemental aid and service.

Support for School Personnel

Support for school personnel should be included when training or other supports are being provided to school staff regarding a specific student's need. Examples may include: training on an assistive technology device, a workshop on a content area, or information regarding characteristics of a specific disability area.

Assessment

Georgia requires all students to participate in grade-level district and statewide assessment programs. For any grade where all students are assessed, students with disabilities should participate in Georgia Milestones Assessment System (GMAS) or the Georgia Alternate Assessment (GAA).

The Georgia Department of Education (GaDOE) Assessment and Accountability Division, has an extensive assessment manual that addresses all aspects of testing, including accommodations for each standardized assessment. Only a small number of students with disabilities will take the GAA.

Georgia Rule 160-3-1-.07 requires that consistency exists between accommodations utilized in the classroom and those used for state administered tests. Students with disabilities should have access to and practice with accommodations utilized on state administered tests before the time of test administration. However, certain accommodations may be appropriate for use in classroom instruction that are not appropriate or allowable on state-administered tests. IEP Team members should understand the difference between allowable accommodations for state-administered tests and those for classroom instruction and assessments.

The district and statewide assessments section of the IEP should be as specific as possible and only identify testing accommodations the student needs in order to participate in the assessment. The IEP Team may not identify any accommodations that are not on the allowable accommodations list. Each assessment should be listed by content area so that accommodations can be individualized. Contact the special education coordinator with any questions.

See local guidance for more information about assessments.

Consideration of Extended School Year (ESY)

ESY refers to special education and/or related services provided beyond the normal 180 day school year for the purpose of providing FAPE to students with disabilities. These services are for students who need them in order to maintain current skills or behaviors rather than to develop or enhance new skills or behaviors. New goals/objectives are not added to the IEP for ESY unless they are necessary for the maintenance of skills. ESY should be considered annually or more frequently if necessary to adequately determine the need for services.

When determining the need for ESY services, decisions should be based upon the individual needs of the student. Consideration of a broad range of information is essential. This may include but is not limited to an ongoing assessment of IEP goals/objectives, work samples, test results, report cards, homework, and progress reports. The need for ESY should be presented in the context of the IEP process and completed at an IEP meeting. Any services provided as ESY should meet the requirements of FAPE.

If a student requires ESY as an extension of the school day, the expectation is that the team will meet every 45 days to review progress and the continued need for ESY services.

ESY Services:

1. Should be a team decision and not dictated by one member of the IEP team.
2. Should be documented as a need based on data.
3. Are based on the student's specific skills that are necessary for overall educational progress as determined by the IEP team.
4. Are not automatic from year to year.
5. Are not services to be provided to maximize a student's potential.
6. Should be decided early enough to ensure that the parents can meaningfully exercise their due process rights if they wish to challenge an ESY decision.
7. Are designed to maintain a reasonable readiness to begin the next school year; may also be considered as an extension to the typical school day based on data.
8. Should not be provided as daycare or respite care services.
9. Are not to be considered in order to help students with disabilities advance in relation to their peers.

Please contact the Elementary Program Manager with any questions related to ESY.

ESY Progress Data

Data should be collected on goals/objectives addressed during ESY. Once ESY services have been completed or every 9 weeks, an IEP Progress Report should be provided to the parent.

Transition Services

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.

Beginning no Later than 9th Grade or age 16, Whichever Comes First

Transition requires support from multiple sources so the student and his or her family can make choices, develop connections, and access services. Beginning no later than the IEP to be in effect when the student begins ninth grade or turns 16, whichever comes first (or at a younger age if determined appropriate by the IEP Team), and updated annually thereafter, the IEP should include:

Appropriate Postsecondary Goals

Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

Transition Services Required to Meet Goals

The transition services (including courses of study) required to meet 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.

Student Involvement: Preferences and Interests

Age-appropriate transition assessments should be conducted to provide an assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) and should be conducted in conjunction with the development of the transition components. The initial transition assessment may be prior to the eighth grade and may occur when a Reevaluation Data Review is conducted. As a best practice, transition assessments 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.

Desired Measurable Postsecondary Outcome/Completion Goals

Transition goals are based on age-appropriate transition assessment(s) and include transition activities and services appropriate to attain the desired postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly relate to the how, when, where, and what answers that are needed to complete each post secondary outcome/completion goal. These goals should be relevant to achieve the desired postsecondary outcomes. Goals should be meaningful, clear and understandable, positively stated, and based on academic achievement and functional performance. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills, post-school options, related services, and daily living skills (as appropriate). At least one measurable transition IEP goal should be determined for education/training and development of employment. Measurable transition goals for independent living should be addressed when appropriate. Postsecondary outcome/completion goals can change and become more refined as the student has more experience and gets closer to graduation.

Transition Activities and Services

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.

Representative of Participating Agency

The individuals, agencies, and groups identified should include those who will help the student achieve the goals stated. They may be individuals who will likely provide or pay for transition services. Documentation that these persons were invited to the Transition IEP Team meeting and that the parent and student (if over 18) were notified of their possible attendance should be kept. When a participating agency does not attend, the IEP Team should document actions to assist the student and his/her family to support contact and communication with the agency. If the student does not attend the IEP Team meeting, the LEA should take other steps, including verbal and written input, to ensure that the student's preferences and interests are considered before developing the transition goals of the IEP.

Local Guidance for Transition Plans

Middle School Grades (8th)

1. Focused discussion and activities centered on postsecondary life to include education, independent living, and employment.
2. Prior to exiting 8th grade, a complete and formal Transition Plan should be developed. The plan should be in place prior to the student entering high school or turning 16, whichever comes first.
3. Develop self-determination and self-advocacy skills.
4. Discussion and activities focused on graduation requirements, high school classes, and pathway requirements needed to progress towards postsecondary outcomes.
5. Create transition goals and objectives (Education and Employment goals are required. Independent Living should be addressed if there are concerns in this area.)
6. Contact the transition specialist, to review the draft Transition Plan prior to the meeting.
7. Progress should be reported on transition goals/objectives. Local guidance is that this should occur every 9 weeks.

High School Grades (9th – 12th)

1. Provide annual assessments in order to update the Transition Plan
2. Should include at least one formal and one informal assessment each year. Develop an Individualized Transition Plan based on multiple sources of information that reflect the student's wants, needs, and preferences for post-secondary success.
3. Create transition goals and activities (Education and Employment goals are required). Independent Living should be addressed if there is not evidence of adequate skills in this area.
4. Refer, coordinate, and communicate with appropriate adult service agencies for postsecondary linkages, such as Vocational Rehabilitation, Department of Behavioral Health and Developmental Disabilities (DBHDD), Easter Seals, Gateway, B&B Care Services, Employability, Goodwill, etc.
5. Invite Vocational Rehabilitation Counselor if the student has a Vocational Rehabilitation flag in IC.
6. Communicate with students and families about any changes in the resources in the community.
7. Parent and student should sign the meeting notification letter for Transition Plans when outside agencies are invited.
8. Refine self-advocacy skills.
9. Contact transition Specialist to review the draft Transition Plan prior to the meeting.
10. Progress should be reported on transition goals/objectives. Local guidance is that this should occur every 9 weeks.

Transfer of Rights

At the IEP meeting before the student turns 17 (age 16), parents and students should be provided with written information regarding Transfer of rights. At the IEP meeting before the student turns 18 (age 17), students should be informed of their rights that will transfer to them upon reaching the age of 18, which is included in the IEP. Once rights have transferred to the student at age 18, the Team should provide any notice required to both the student and the parent. All rights given to the parent transfer to the student.

The Summary of Performance (SOP)

For a student whose eligibility terminates due to graduation with a regular diploma or to exceed the age requirements under IDEA, the LEA should 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 or a special education 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.

Excusal of the IEP Team Member

The following circumstances allow a required member of the IEP Team to be excused:

1. When an IEP Team member's area of curriculum or related services is not being changed or discussed at that IEP Team meeting, the parent and the LEA may agree to excuse an IEP Team member from all or part of a meeting if the parent consents, in writing, to this excusal.
2. When the IEP Team member's area of curriculum or related services is being discussed at the meeting, the parent and the LEA may excuse an IEP Team member from all or part of a meeting if the parent consents, in writing, to the excusal and the excused person submits relevant, written input into the development of the IEP prior to the meeting.
3. Changes to allowable excusals of IEP Team members may occur. Case Managers are expected to follow the guidance and procedures allowable in GO-IEP for excusal.

Data Clerk Change Form

1. A Data Clerk Change Form should be completed after every IEP meeting by the case manager.
2. This form should be completed with all available information and submitted to the data clerk within 3 school days.
3. Service pages should be included when there are changes in services; these are not required when there are no changes

Transition for Children Birth through 2 - Part C

Babies Can't Wait (BCW) coordinates and facilitates the referral process to the LEA through a transition conference. A parent should consent to allow BCW to contact the LEA. students being referred from BCW are students with disabilities who:

1. Are approaching the age of three;
2. Are transitioning from BCW;
3. Have an IFSP; and
4. Are identified as being potentially eligible for preschool special education services.

Transition Conferences

1. The transition conference should be held as early as nine months but no later than 90 days prior to the student's 3rd birthday.
2. The LEA preschool contacts and BCW service coordinators should develop procedures to facilitate participation of the LEA in the transition conference. Transition conferences held without notification to the LEA are not compliant.
3. The parent, BCW coordinator, LEA representative, and other persons as appropriate should attend the conference and serve as the transition team.

4. The transition team reviews the IFSP and other documents that pertain to the student's disability.
5. The LEA representative should obtain the parent's written consent to conduct a comprehensive evaluation.
6. The LEA should conduct a comprehensive evaluation.
7. The parent, BCW coordinator, regular early childhood provider (as appropriate), special education early childhood provider, and LEA representative should participate in the eligibility determination and IEP development for eligible students.
8. The LEA should implement the IEP on or before the student's 3rd birthday.
9. Prior to receiving services, the student should be registered with ECSD.

Young Children, Ages 3-5: From Individualized Family Service Plan (IFSP) to IEP

Early identification and intervention for young students with disabilities is critical for their future academic success. The IDEA requires that services be offered for any student with disabilities beginning at birth through age 21. BCW, a program of the Georgia Department of Community Health (DCH), is the program that provides early intervention services to infants and toddlers with disabilities from birth to age 3 via the IFSP. LEAs are the providers of special education and related services to eligible students beginning by age 3.

IDEA requires LEAs to locate, identify, and evaluate young students with suspected disabilities or developmental delays. These delays may occur in the areas of self-help/adaptive behavior, cognitive development, communication, physical development, and/or social-emotional development.

In Georgia, children suspected of having a disability, including those who are ages 3-5 (plus 2-year-olds who will turn 3 during the school year) should receive a comprehensive evaluation to determine eligibility for special education and related services. The comprehensive evaluation for children ages 3-5 includes assessing the following areas of development:

1. Adaptive development (e.g., dressing, eating, toileting);
2. Cognitive development (e.g., thinking and learning);
3. Communication (e.g., hearing, speaking, language skills);
4. Motor development (e.g., physical development, large and small muscle development);
and
5. Social–emotional development (e.g., relating with adults and other students).

After the comprehensive evaluation is completed, the Eligibility Team meets to review all of the information about the student in order to determine eligibility. If a student is determined to be eligible for special education and related services, the IEP Team should create an IEP within 30 calendar days of the eligibility determination. The IEP should be current within the year and accessed by all service providers.

Referrals from Parents or Early Regular Childhood Provider

(This section addresses referrals through methods other than Babies Can't Wait.)

Children suspected of having disabilities who are not receiving special education services and supports from the LEA may be referred by parents, healthcare providers, childcare providers, or other individuals.

Components of the Referral Process

1. The LEA representative obtains the parent written consent to conduct a comprehensive evaluation.
2. The LEA conducts a comprehensive evaluation within 60 days of receipt of written consent.
3. The Team will informally and formally assess all areas related to any suspected disability, including, if appropriate, vision and hearing, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
4. The Team will review early childhood data from evidence-based interventions and progress monitoring implemented prior to referral and provided by referring party, if available.
5. If appropriate, the Team identifies and continues to implement additional early childhood evidence-based interventions and progress monitoring during the evaluation process.
6. The parent, regular early childhood provider (as appropriate), special education early childhood provider, and LEA representative participate in the eligibility determination meeting and IEP development.
7. The LEA implements the IEP as soon as possible following the development of the IEP.

Role of Parents in the Eligibility Determination, IEP Development, and Placement/LRE Decision-Making Process

Parents should be involved in all the decision making for their student. This involvement includes:

1. Giving written consent to allow Part C Babies Can't Wait or other programs or providers to share the student's records with the LEA;
2. Voicing educational concerns, desires, and goals for the student;
3. Giving written consent for a comprehensive evaluation;
4. Actively participating in the eligibility meeting;
5. Actively participating in the development of the student's program (IEP) for special education services and/or related services; and
6. Giving written consent for initial provision of special education and related services.

Role of the Regular Early Childhood Provider or Teacher in Eligibility Determination, IEP Development, and Placement/LRE Decision-Making Process

The role of the regular education teacher is to assist in determining appropriate positive behavioral supports, educational supports, and strategies; and to assist in making the determination of supplemental aids and services, program modifications, and support for school personnel.

If the student is, or may be, attending a school-based preschool program, the school will invite the preschool teacher. The regular education preschool teacher from the preschool program is required to attend the IEP Team meeting unless the parent provides written consent to excuse the teacher from the IEP Team meeting.

If the preschool age student is attending and/or receiving special education services in a community based preschool program, daycare, or early childhood program (GA Pre-K or Head Start), the LEA will invite the teacher of the preschool program to attend the IEP Team meeting. The LEA should try several different ways to encourage the attendance of the teacher. The school can hold the IEP Team meeting without the community-based preschool teacher, but the LEA should be able to show that they invited the teacher and the teacher did

not attend. As a best practice, a regular education preschool teacher from the LEA should attend the IEP Team meeting especially if the teacher from the preschool program is unable to attend.

Specific Stakeholder Roles and Responsibilities

Parent

1. Identify concerns about their student's development.
2. Discuss concerns with the caregiver or teacher.
3. Contact LEA for assistance and/or referral.
4. Implement, in coordination with LEA, regular early childhood evidence-based interventions as deemed appropriate with the support and direction of the early childhood provider or teacher.
5. Monitor and document progress or lack thereof from the implementation of early childhood evidence-based interventions.

Daycare/Head Start/Private Preschool/GA Pre-K Provider

1. Identify and document concerns about student's development, including documenting information from universal screenings.
2. Discuss concerns with parents.
3. Identify and implement in coordination with the LEA, early childhood evidence-based interventions as deemed appropriate.
4. Monitor and document progress or lack thereof from the implementation of early childhood evidence-based interventions.
5. Contact LEA for assistance and/or referral.

Local Education Agency

1. Use the Child Find process to identify young students who are suspected of having a disability.
2. Identify, implement, and/or monitor appropriate, early childhood evidence-based interventions in coordination with parents and/or early childhood provider for students.
3. Accept and process referrals of young students.
4. Conduct comprehensive evaluations on all initial referrals.
5. Assist in determining eligibility and appropriate special education services and supports.
6. Offer and provide special education services and supports.
7. Educate young students with disabilities under the framework of the Department of Early Care and Learning (DECAL)/Bright from the Start Pre-K content standards and Georgia Early Learning Development Standards (GELDS), which have been aligned with the GaDOE Georgia Standards for Kindergarten.

Least Restrictive Environment (LRE)

Special education services and supports for young students should be provided in the "least restrictive environment," which means that to the maximum extent appropriate, the young student should receive special education services in regular early childhood settings with other students of the same age who do not have disabilities.

Young students with disabilities in Georgia may receive their special education services in a variety of environments and the full continuum of services should be made available. The student's IEP Team will discuss the individual student's needs and determine the type of services, supports, and setting(s) that are appropriate to address those needs.

Service Delivery Models for LRE

1. Regular early childhood setting (over 50% of children are students without disabilities*)
2. Special education early childhood setting (over 50% of children are students with disabilities)
3. Home (home of student)
4. Service provider location (e.g., location of a person providing speech, occupational, physical, audiological, or other related services)
5. Separate school (school for students with disabilities)
6. Residential setting (e.g., state school for students with disabilities where they live on the premises, such as GA School for the Deaf)

*Regular early childhood settings for young students include the following:

1. Georgia Pre-K
2. Head Start or Early Head Start
3. Childcare facilities
4. Private or church preschools (that may or may not meet the definition of a private elementary school)
5. Homes of student care providers

Service delivery models for young children ages 3-5 years are typically provided on either a full-time or part-time basis.

1. Full-time is based on the typical amount of full day preschool and/or day care (6.5 hours).
2. Part-time is based on the typical amount of half day preschool and/or day care (less than 4 hours).

Regular early childhood setting for the school-aged student (ages 5-9) takes place in his/her regular education setting, (e.g., kindergarten, first grade, second grade, or third grade). In this setting, special education services and supports are provided either in the regular education setting or in a special education setting. The student's IEP Team will discuss the individual student's needs and determine the type of services, supports, and setting(s) that are appropriate to address those needs.

Transition from Preschool to Kindergarten

Students are eligible for kindergarten when they reach 5 years of age by September 1st. The kindergarten classroom provides the least restrictive or most natural environment for the student and allows him or her to be with peers of the same age. The year before the student's 5th birthday, the IEP Team should meet to discuss the student's development and to determine how the student can be part of the kindergarten classroom. The kindergarten teacher should be invited to these meetings so that he or she can get to know the student and be ready for the student to be a part of the kindergarten program.

Parent Participation in IEP: Notification and Invitation

The parent should be notified of the proposed date, time, and location of an IEP Team meeting to give him or her sufficient time to make arrangements to attend or to contact the school to schedule an alternative date for the meeting. This notice should include the purpose of the meeting; the proposed date, time, and location of the meeting; as well as who will be in attendance. The IEP Team meeting should be scheduled for a time, date, and location that is

mutually agreeable to the parent and the LEA. The parent may request to reschedule the IEP Team meeting or to participate by telephone or videoconference if attending in person is not possible.

IEP/IFSP

Conducted Within 30 Days of Determination: The IEP is completed within 30 calendar days of the initial eligibility determination.

Current Within Year: IEPs should be developed and reviewed annually and should be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the district requests a review. The IEP should be current within the year.

Accessed by all Service Providers: The IEP should be accessed by all service providers.

Inter and Intra-State Transfer of Students with IEPs

When a student transfers from another LEA within Georgia with a current or expired IEP, the receiving LEA (in consultation with the parent) will provide services comparable to those services described in the sending LEA's IEP until the receiving LEA either adopts the previous IEP or develops and implements a new IEP.

When a student transfers from another State with a current or expired IEP, the new LEA (in consultation with the parent) will provide services comparable to those in the out-of-state IEP until the new LEA can collect any necessary additional information necessary to complete the evaluation/eligibility determination and can develop, adopt, and implement a new IEP, if appropriate. If an evaluation is required, it is treated as an initial evaluation in Georgia.

Local Guidance:

1. The special education administrator will complete the Timelines Override and assign the student to the appropriate department head.
2. The Department Head will reassign the Case Manager in GO-IEP.
3. If a student **IS** coming from a GO-IEP district and all documentation is in GO-IEP, the district will use all of the GO-IEP information and will not need to get additional forms (e.g., Consent for Services)
4. If the student **IS NOT** from a GO-IEP district, the transfer paperwork will be uploaded into GO-IEP under the Documents tab by the Compliance Specialist or the Special Education Administrator (whoever receives it).
5. The Case Manager will review the transfer IEP and hold an IEP meeting within 10 school days of the student's start date.
 - a. If the student is not coming from a GO-IEP district, the Consent for Services form should be signed at this meeting. If the parent does not attend the meeting, the Consent for Services form should be sent home by the Compliance Specialist or Case Manager.

If critical records have not been received for transfer students, please follow district guidance for remote learning services per O.C.G.A. § 20-2-670 (HB 268).

FERPA and Transmittal of Records

Confidentiality of education records is a basic right shared by all students in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities. All district personnel (including contracted employees) are governed by confidentiality

requirements. More information about FERPA can be found at: [Family Educational Rights and Privacy Act \(FERPA\)](#)

ECSD obtains parental consent prior to releasing records to other organizations. [Records Release Form](#)

Records containing GTID numbers will not be emailed.

IEP Meeting Notices or other documents that do not include GTID number may be shared via email/electronically. Date and method of delivery should be documented in the IC General Contact Log.

Procedures for Review and Revision of the IEP

After the annual IEP Team meeting, the student's IEP may need to be changed. Any member of the IEP team, including the parent, can request a review of or revision to the IEP. This can be done either by reconvening the IEP Team to amend the IEP or by mutual agreement between the parent and LEA to make changes to the IEP without a meeting. The parent always retains the right to request a meeting to discuss any and all changes or amendments to the IEP. Regardless of the method of amending the IEP, the LEA should ensure the student's IEP Team is informed of any changes and provide the parent with the amended IEP in a timely manner. The case manager should provide the parent with a printed copy of the IEP and document the delivery date and method in the General Contact Log in IC.

Amendments Not Requiring a Full Team Meeting

A full team meeting is not required when minor IEP changes are needed. Please consult your Program Manager or Compliance Specialist prior to amending an IEP without a full team.

Amendments Requiring a Full Team Meeting

If it is determined that the team needs to meet to amend the IEP, the following procedures will be utilized:

1. Conduct an IEP meeting with appropriate team members.
2. Document changes in the appropriate places in the most recent IEP, including the Minutes.
3. The end date will remain the same as the Annual Review.
4. Follow the procedures for an Annual Review to complete the IEP, including uploading signature pages.
5. Notify all of the student's service providers (general and special education) of any changes in the student's accommodations.
 - a. Document their signatures on the Accommodations Sign Off Sheet.
 - b. Upload any signature pages to GO-IEP
6. Send the parent the amended copy of the IEP. In IC, parents can access the IEP electronically unless they have asked for a hard copy.

Additional IEP Local Guidance

1. The case manager should prepare a draft IEP 3 school days prior to the meeting.
2. IEP paperwork should be submitted to the Compliance Specialist or Program Manager within 7 school days following the meeting for finalization.

Chapter 6 Least Restrictive Environment (LRE)

State Rule: 160-4-7-.07

LRE Requirements: Written Policies and Procedures Exist

ECSD provides education in the least restrictive environment (LRE) by offering a variety of alternative placements to insure that, to the maximum extent appropriate, exceptional children will be educated with children who are not disabled.

The IDEA guarantees students with disabilities the right to be educated with their peers in the LRE to the maximum extent appropriate. IDEA guarantees students with disabilities access to a full continuum of services and it is up to the IEP Team to determine the LRE for an individual student. The IEP Team determines, at least annually, the supports and accommodations necessary for successful participation in the LRE and other special education services needed.

Annual IEP Placement Determination

The IEP Team will:


1. Review and document student's PLAAFP annually.
2. Develop IEP goals (objectives or transition plan, if needed) based on PLAAFP.
3. Determine whether the goal or objective can be taught in the general education classroom and what level of technical assistance will be needed for appropriate instructional practices (i.e., accommodations, modifications, personnel supports, general education settings).
4. Determine appropriate continuum of services or settings based on data.
5. Determine the alternative placement or community setting where those goals and objectives that cannot be taught in a general education classroom can be taught.
6. Determine how the student will be monitored.
7. Evaluate the student's performance on goals and objectives and determine if mastered based on data.
8. Determine if/what level of support is needed for non-academic and extracurricular settings.

Full Continuum of Alternative Placements

The following reflects this continuum of placements options:

1. LEVEL 1: Exceptional children in regular classes with or without Supportive Services
2. LEVEL 2: Regular class attendance plus Supplemental Instructional Services
3. LEVEL 3: Part-time Special Class (resource)
4. LEVEL 4: Full-time Special Class (self-contained)
5. LEVEL 5: Public Separate School
6. LEVEL 6: Homebound
7. LEVEL 7: Instruction in hospital, residential or total care services

Location Of Services

<p style="text-align: center;">Least Restrictive</p>  <p style="text-align: center;">More Restrictive</p>	Personnel Support	Description of Services
	General Education	Students with disabilities are served in the general education class with no personnel support.
	Consultation	Students with disabilities receive at least one segment per month of direct service from the special education teacher.
	Supportive Instruction	Students with disabilities receive service from personnel other than a certified teacher in the general education classroom (paraprofessional, interpreter, job coach)
	Collaboration	A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom (less than full segment daily)
	Co-Teaching	The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment every day)
	Alternative Placement	The special education teacher provides instruction to students with disabilities in a separate classroom, special schools, home environment, hospitals, or institutions

Schools are encouraged to be flexible and search for creative ways to provide inclusive opportunities for students with disabilities. IEPs can always be reviewed at parent or teacher request, which allows schools to collect data in various instructional models to determine impact/effectiveness.

Home Based/Homebound Instruction

Home Based services provide instruction that enables the student to keep up with their progress towards IEP goals and objectives while at home, thus allowing them the opportunity to progress on their grade level curriculum. Home Based services are based on an IEP Team decision. All services should be documented in a student's IEP and a time frame for services as well as a plan to return to the school setting. A review of home based services is recommended every 45 days. Please contact the Elementary Program Manager, when arranging for delivery of homebound service.

Hospital Homebound

The basis for hospital/homebound instruction is a medical condition that significantly interferes with the child's education and requires them to be restricted to their home or a hospital for a

period of time. This requires a recommendation from a physician. For more information, contact the Elementary Program Manager and/or Special Programs Coordinator.

Local Procedures: [Hospital/Homebound Procedures for Special Education Students](#)

Preschool Placement and Services

Preschool Intervention (PSI) serves children ages 3-5 who exhibit significant delays in cognition, communication, physical development (gross & fine motor), social/emotional development, and/or adaptive development.

Delivery Models for Preschool Services

1. Home-based: Services are delivered in the home by qualified personnel who are knowledgeable in early childhood special education.
2. Community-based: Services are delivered by qualified personnel in a community setting (e.g., Head Start, a public or private child development program, day care center, etc.)
3. Facility-based: Services are delivered by qualified personnel to children who travel to a facility for the express purpose of receiving special education services.

School Age Placements and Services

ECSD offers a full continuum of services for all students from age 3 to 22.

Non-academic and Extracurricular Settings

The IEP team should review and consider supplemental aids and services necessary to provide students with disabilities an equal opportunity to participate in nonacademic and extracurricular activities.

Frequently Asked Questions (from GaDOE)

1. What is the Least Restrictive Environment?

The IDEA requires that children with disabilities, to the maximum extent appropriate, are educated with children who are not disabled. This requirement includes children who are publicly placed in public or private institutions, psychiatric care, group homes, or state operated hospitals in Georgia. **Only** when the nature or severity of the disability is such that education in regular education settings with supplementary aids and services cannot be satisfactorily achieved can children with disabilities be moved to other settings such as special classes or separate schooling. Regardless of where services are being provided, children with disabilities are expected to continue to have access to the GSE for their grade level, and teachers are expected to maintain high expectations for student performance in meeting the standards.

2. Who decides what placement is the least restrictive environment for a child with a disability?

The IEP Team determines the least restrictive environment, which includes the services and supports needed for each eligible child with a disability. The IEP Team makes the placement decision in accordance with the IDEA and Georgia Department of Education (GaDOE) Special Education Rules. The child's placement should be based on the IEP and be reconsidered at least annually by the IEP Team. The child attends the same school that he or she would attend

if nondisabled unless the IEP indicates that some other arrangement is necessary. The IEP Team should consider any potential harmful effects on the child or on the quality of services needed when selecting the least restrictive environment for each individual child with a disability. LEAs are to ensure that a full continuum of alternative placements is available to meet the special education and related service needs of children with disabilities. The IEP Team may not make placement decisions based only on the category of the child's disability, the severity of the disability, the placement options currently available, the availability of educational or related services, space availability, or administrative convenience. The law is also clear that children with disabilities have a right to an equal opportunity to participate in nonacademic and extracurricular services and activities. See [34 C.F.R. §§ 300.107, 300.117](#); Georgia Rule [160-4-7-.07\(4\)](#). LEAs should provide these activities in such a way that children with disabilities have an opportunity to participate in general school activities such as lunch, counseling services, athletics, transportation, health services, recreation activities, clubs, or employment opportunities.

3. What types of support must be considered by the IEP Team for a child with a disability to stay in the regular classroom?

The IEP Team, which includes the parent and the LEA personnel, should carefully consider accommodations, modifications, personnel supports, and possible changes to the physical environment that will enable the child with a disability to be educated in regular education settings.

4. In a co-taught classroom, who is responsible for providing special education services?

In a co-taught classroom, the special education teacher is responsible for providing special education services and should be listed as the service provider on the IEP. In addition, the regular education and special education teachers provide instruction for the whole segment(s) to all children in the classroom.

5. What are accommodations?

Accommodations are changes in how instruction is provided, how the child is expected to respond, how the child participates in classroom activities, and in the kinds of instructional materials and how they are used. For example, a child might listen to portions by using text-to-speech 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, participate in a discussion in a biology class with a sign language interpreter, or have a peer take notes so a copy of the notes can be easily shared. Accommodations provide children with disabilities a variety of ways to access the Georgia Standards of Excellence (GSE) so that their disabilities are not barriers to achievement. Children receiving accommodations are still expected to meet the same grade level GSE as their peers without disabilities. Accommodations provide access to the standards and support students in their least restrictive environment. Accommodations must be appropriate and specific to the child's needs. Too many accommodations or unnecessary accommodations can hinder achievement or lower expectations. On the other

hand, a lack of needed accommodations in the classroom can prevent a child from meeting the standards that may have been possible with the right accommodations implemented well. Accommodations offer the opportunity for success but they cannot guarantee that the child will be successful.

6. What are program modifications?

Program modifications are alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of children with disabilities and the expectations for proficiency at a particular grade level. Consistent use of certain modifications could adversely affect children throughout their educational career.

7. What is an assistive technology device?

The term “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 functional capabilities of a child with a disability. [34 C.F.R. § 300.5](#). Many people think of technology as equipment such as a wheelchair or an expensive computer-based communication device. In fact, most assistive technology devices are simple and inexpensive. The definition of an assistive technology device is very broad in the IDEA. The definition of assistive technology services is also general. IEP Teams should consider each child’s need for assistive technology in the development, review, and revision of the child’s IEP. When the Team determines that assistive technology is required, the assistive technology devices and services should be clearly specified in the child’s IEP and provided in a timely manner. The child, school staff, and child’s family, if appropriate, should receive training in the use of the device. The term “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. This may include:

- the evaluation of the needs of such child, including a functional evaluation of the child in the child’s customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for such child;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for such child, or, where appropriate, the family of such child; and f) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. [34 C.F.R. § 300.6](#).

8. What is the continuum of alternative placements?

The continuum of alternative placements includes options that should be available such as instruction in regular classes, special classes (small group), special schools, home instruction, and instruction in hospitals and institutions. Supplementary services and supports can be provided in any setting to children whose IEP requires such supports. For instance, children may receive small groups in conjunction with regular class placement for the same subject area.

9. What are the placement options for school-aged students with disabilities?

A continuum of placements will be considered by the IEP Team for school-aged students with disabilities:

- Support in regular education settings with age appropriate non-disabled peers
- Additional supportive services
- Supportive Instruction examples:
 - Paraprofessional and job coach
 - Direct special education services
 - Consultative services
 - Collaborative services
 - Co-teaching services
- Other placement options, including:
 - Special education small group classes
 - Special schools
 - Private schools
 - Home-based instruction
 - Abbreviated day
 - Hospital/homebound
 - Residential services

10. What are the placement options for preschool age children with disabilities?

The same placement options for school-aged students extends to preschool children with disabilities. The IEP Team should consider the full continuum of options when making the placement decision for a preschool child with a disability. Some specific preschool options may include:

- participation in regular education early childhood programs in the public school or in the community, Head Start, Bright from the Start Pre-Kindergarten, public or private child care/day care, and preschool programs;
- placement in a separate special education program housed in the public school or in a community-based setting; and/or
- services in the home as the natural environment for a young child.

11. Does the full continuum of placements apply to all areas of disabilities?

Yes. The full continuum of placements applies to all areas of disabilities.

12. How is the need for hospital/homebound (HHB) instruction determined?

Hospital/homebound instruction may be used for students who have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to home or a hospital for a period of time. The LEA provides hospital/homebound instruction only when the LEA has received a completed medical referral form signed by a physician. The form should state that it is anticipated that the child is unable to participate in instruction and will be absent for at least 10 consecutive school days or has a chronic health condition that will cause absences over an intermittent time period. When that situation occurs, the IEP Team meets to review the IEP, consider the medical referral, and make necessary changes to the IEP as appropriate. Once the LEA determines the child meets the eligibility requirements for HHB instruction, the request will be forwarded to the IEP Team to assist in the development of an Educational Service Plan (ESP) to deliver the appropriate HHB instruction. When the IEP Team considers hospital/homebound instruction, it is important to note that the final determination of services, the setting, and delivery method rests with the IEP Team. The medical referral provides a medical opinion on the child's treatment. The medical opinion should be considered by the IEP Team as part of determining the services and setting(s) for the child. If a child with a disability is hospitalized outside of his or her LEA, the responsibility for the child's hospital/homebound instruction remains with the LEA in which the child attends. The LEA where the child attends may contract with the hospital to provide instructional services, contract with the LEA where the hospital is located, or contract directly with appropriately certified teachers in that geographic area. Many times, it is very helpful to the team to have the practitioner who provided the hospital/homebound referral participate via a conference call in the IEP Team meeting. See the HHB Instruction State Board Rule [160-4-2.31](#) for additional information.

13. What is home-based instruction?

Home-based instruction is a short-term placement option used when the parent and LEA agree at an IEP Team meeting. When deciding on home-based instruction as a placement option, the IEP Team should write an appropriate reinstatement plan to incorporate the child back into the school setting. During the time the child is being served in the home based setting, provision to a FAPE including access to the general education curriculum, as well as IEP services, must be provided.

14. How is home-based instruction different from hospital/homebound instruction?

The basis for hospital/homebound instruction is a medical condition that significantly interferes with the child's education and requires them to be restricted to their home or a hospital for a period of time. Home-based instruction is provided for reasons other than medical concerns, and the IEP Team determines that the home is the most appropriate setting. Both are viewed as temporary placements with the expectation that the child will be transitioned back into the school setting as quickly as possible and with a reintegration plan that specifies the support necessary to enable the child's reintegration back into the school-based setting.

15. What is an abbreviated day placement?

On rare occasions, IEP teams may provide special education services during a portion of the regular school day and the student is at home the remainder of the day. Often students experience success with this model and segments of the day are gradually added allowing the student to remain in a less restrictive environment. The expectation is that IEP teams will meet to review these placements every 45 days. Students are not recommended to remain on abbreviated days for long periods of time. If this is needed, IEP teams are encouraged to consider more restrictive placements for the full length of the school day. IEP teams should consider recommending home-based services in addition to the abbreviated day services so the student can access a full schedule. (Adapted from GaDOE guidance)

16. How does LRE apply in nonacademic settings?

The LRE requirements also apply to nonacademic and extracurricular services and activities such as meals, recess periods, sports participation, participation in clubs, and field trips. Children with disabilities are to participate with their nondisabled peers in these kinds of activities to the maximum extent appropriate based on the child's needs. The IEP Team decides what supplementary aids and services are appropriate and necessary for the child to participate in these activities.

17. What administrative issues impact the provision of LRE?

In the Georgia Rules, information is provided for LEAs on certain requirements for recruiting, hiring, training, and retaining an adequate supply of appropriately prepared and trained (certified or licensed) speech/language pathologists, special education teachers, related service providers, occupational and physical therapists, and educational interpreters. The State rules also specify the requirements for appropriate classroom space and list the maximum class sizes for preschool and school-aged students with disabilities. See Georgia Rule [160-4-7-.14](#). LEAs may have flexibility options for class size; however, a FAPE must be provided.

Chapter 7 Confidentiality of Personally Identifiable Information

State Rule: 160-4-7-.08

Confidential Information

The Department maintains special education records within the District's informational Data System, Infinite Campus (IC), and through the Georgia IEP (GO-IEP) platform. All required paperwork is readily available to staff through these systems. Records that are not created in IC (i.e., psychological evaluations, social histories, medical reports, etc.) are uploaded and maintained through IC and/or GO-IEP in the "Documents" section.

A. Education records means the type of records covered under the definition of "education records" in 34 C.F.R. p a r t 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U .S .C . 1232g (FERPA)). [34 C .F .R . § 300 .611(b)] See FERPA

B. Each LEA shall provide a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the LEA intends to use in gathering the information, and the uses to be made of the information . [34 C .F .R . § 300 .612(a)(2)]

C. Confidentiality information shall be given in native languages appropriate to population groups served by the LEA .[34 C.F .R . § 300 .612(a)(1)]

D. Each LEA shall provide notice that is adequate to fully inform all parents concerning the policies and procedures which the LEA follows regarding storage, disclosure to third parties, and retention and destruction of personally identifiable information . [34 C .F .R . § 300 .612(a)(3)]

E. Each LEA shall provide a description of all of the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations in 34 C .F .R . Part 99 . [34 C .F .R . § 612(a)(4)] See Procedural Safeguards/Parents' Rights

Access Rights and Required Procedures

Access to student files is restricted to only case managers and service providers serving that student. Such access is maintained through each school's data clerk and/or the program manager at the system level. Parents have access to *some* student documents in IC through the Parent Portal.

Parents have the right to inspect and review all records relating to their child unless ECSD has been advised that the parents do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

1. Legal guardians are permitted to inspect and review any education records relating to their child that are collected, maintained, or used by ECSD.
2. ECSD should comply with a guardian's request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no circumstances more than 45 days after the request has been made.
3. All employees should notify the Special Education Director immediately if a guardian requests access to their child's Special Education Record.

4. The rights of parents regarding education records are transferred to the adult student at age 18.

While confidential records for students with disabilities should be maintained in IC and/or GO-IEP, should there be a need to maintain paper copies, the following procedures should be followed so that staff is not violating Federal and State laws concerning individual confidentiality and due process:

1. All Special Education information should be located and secured by the case manager at each school so that unauthorized persons do not have access to the files.
2. Only personnel who work directly with a child and have a legitimate need to know should have access to confidential records.
3. If the school psychologist or SLP screens a student, they will maintain the protocols and any screening documents in a secure cabinet.

Amendment of Records at Parent Request

Parents who believe that information contained in the education records collected is inaccurate or misleading or violates the privacy or other rights of the student may request that the ECSD amend the information. If any ECSD employee receives a parent request to amend a Special Education Record, the employee should contact the Director of Exceptional Students immediately.

Results of Hearing

If, as a result of the hearing, the LEA decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it will amend the information accordingly and so inform the parents in writing.

If, as a result of the hearing, the agency decides the information is accurate and not misleading or otherwise in violation of the privacy or other rights of the student, it 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 LEA.

Any explanation placed in the records of the student should be maintained by the LEA as part of the records of the child as long as the record or contested portion thereof is maintained by the LEA. If the records of the child, or the contested portion thereof, are disclosed by the LEA to any party, the explanation should also be disclosed to the party.

Results of hearings will remain confidential.

Parent Consent

Parental consent should be obtained before personally identifiable information, including special education records, is disclosed to other parties unless the disclosure is authorized by legal entities or agencies not requiring parental consent. Prior consent is NOT required to release information to:

1. Parents or eligible children
2. Other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. This includes teachers within ECSD, legally constituted cooperating agencies or other agencies providing shared services;

3. Official of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll upon condition that parent or student (if 18) have signed authorization to release records.

Effingham County School District should obtain parental consent prior to accessing a child's or parent's public benefits or insurance for the first time and after providing notification to the child's parents. The parental consent to access a child's or parent's benefits or insurance shall:

1. Specify the personally identifiable information that may be disclosed, the purpose of the disclosure, and the agency to which the disclosure may be made.
2. Specify that the parent understands and agrees that the LEA may access the child's or parent's public benefits or insurance to pay for services provided under IDEA.

Safeguards

The Parents' Rights (Procedural Safeguards) Notice provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. The Parent Rights Notice outlines all of the rights and safeguards available to parents of children with disabilities and to students with disabilities who have reached the age of majority. Please see GaDOE website for copies in several different languages.

Parents' Rights @ Georgia Department of Education

A copy of the Parents' Rights should be given to the parents of a child with a disability and an explanation provided to ensure that the parents understand these rights. The Parents' Rights are provided to parents only one time a school year, except that a copy also should be given to the parents:

1. Upon initial referral or parental request for evaluation
2. Upon receipt of the first state complaint
3. Upon receipt of the first due process hearing request
4. Upon notification by the school district to the parent of a disciplinary removal of a student from school that would constitute a change of placement
5. Whenever a parent requests a copy

The Parents' Rights Notice should be provided in the native language of the parent or other mode of communication (e.g., Braille or sign language) used by the parent. If necessary the district will translate the notice orally or by other means so that the parent understands the content of the notice.

Destructions of Confidential Information

According to state guidelines and federal regulation 34 CFR § 300.624, ECSD archives and stores student records for a limited period of time. School systems are required to maintain the special education records up to the date that the student turns 22 years of age. After notification has been made, the special education records will be destroyed. Destruction dates are posted on ECSD's website and in the local newspaper.

Special education staff should provide to students and/or their parents/guardians a copy of the most recent IEP, psychological evaluation, and eligibility report before the end of the student's last year in school (graduation or exit). This may be done at the Annual Review or Exit Meeting. Teachers are urged to remind the students and/or parents/guardians that these

documents may be required as future pursuits are undertaken, and that the original special education records documents will be retained until age 22.

The records of students enrolled in the Effingham County School District's Special Education Program are stored in a secure location and, with notification, may be picked up between the hours of 8:30 AM and 3:00 PM Monday through Friday, excluding legal holidays. Photo identification is required. You may contact the Department of Exceptional Students at 912-754-5623 for more information.

Chapter 8 Procedural Safeguards and Parent Rights

State Rule: 160-4-7-.09

Parent and Student Rights
(Aligned with State Rule 160-4-7-.09)

When Parent Rights Must be Provided to Parents

The Parents' Rights Notice provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. The Parents' Rights Notice outlines all of the rights and safeguards available to parents of children with disabilities and to students with disabilities who have reached the age of majority. Please visit the GaDOE website for copies in several different languages.

[Parents' Rights @ Georgia Department of Education](#)

A copy of the Parents' Rights should be given to the parents of a child with a disability and an explanation provided to ensure that the parents understand these rights. The Parents' Rights are required to be provided to parents only one time a school year, except that a copy also should be given to the parents:

1. Upon initial referral or parental request for evaluation
2. Upon receipt of the first state complaint
3. Upon receipt of the first due process hearing request
4. Upon notification by the school district to the parent of a disciplinary removal of a student from school that would constitute a change of placement

Whenever a parent requests a copy. The Parents' Rights Notice should be provided in the native language of the parent or other mode of communication (e.g., Braille or sign language) used by the parent. If necessary, the District will translate the notice orally or by other means so that the parent understands the content of the notice.

Content of Parent Rights

The content of the notice should include a full explanation of all the procedural safeguards available relating to:

1. **Prior Written Notice**
2. **Parental Consent**
3. **Access to Education Records**
4. **Complaint Process:** Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
 - a. The time period in which to file a complaint or due process hearing.
 - b. The opportunity for the agency to resolve the complaint.
 - c. 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 decision, and relevant procedures.
5. **Mediation**
6. The **student's placement during the pendency of due process hearing.**
7. Procedures for children who are subject to **interim alternative educational placement.**
8. **Independent educational evaluations**

9. Requirements for unilateral placement of children in **private school by parents** at public expense.
10. **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.
11. **Attorneys' fees**
12. Notice should be **provided in language understandable to parents**.

Parental Opportunity to Review Records

Each LEA shall establish and maintain procedures which permit the parents of a child with a disability an opportunity to inspect and review any education records relating to their children that are collected, maintained or used in the identification, evaluation, educational placement and provision of a FAPE. These rights include the right to a response from the LEA to reasonable requests for explanations and interpretations of the records, the right to request the LEA to provide copies of the records and the right to have a representative of the parent to inspect and review the records. All rights of parents to examine education records shall transfer to the child at age 18, consistent with Rule 160-4-7-.09 Confidentiality of Personally Identifiable Information. The LEA may presume that the parent has these rights unless the LEA has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce. [See 34 C.F.R. § 300.613]

- (a) Each LEA must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The LEA's superintendent or designee must ensure the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent's consent is forbidden. [34 C.F.R. § 300.623(a)-(b)]
- (b) All persons collecting or using personally identifiable information must receive training or instruction regarding department policies and procedures concerning personally identifiable information . [34 C.F.R. § 300.623(c)]
- (c) Each LEA must maintain, for public inspection, a current listing of the names and positions of employees within the LEA who may have access to personally identifiable information . [34 C.F.R. § 300.623(d)]

Parental Participation in Meetings

The parents of a child with a disability should be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of a FAPE to the child. [34 C.F.R. § 300.501(b)(1)]

1. A meeting does not include informal or unscheduled conversations involving LEA personnel and does not include conversations on issues such as teaching methodology, lesson plans or coordination of service provision. [34 C.F.R. § 300.501(b)(3)]
2. A meeting also does not include preparatory activities that LEA personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting. [34 C.F.R. § 300.501(b)(3)]

Parents should always, to the greatest extent possible, be included as members of any decision-making team for their child to include: eligibility, initial evaluations, reevaluations, development of the IEP, the provision of FAPE, and educational placement. Parents should be provided written notice of meetings in advance to include: purpose, time, and location. Parents

are required members of the IEP Team and should be encouraged to be active participants in the development of the IEP. The student's case manager should take steps to ensure that one or both parents are present at each meeting. If parent(s) are not able to attend in person or virtually, the case manager should make every attempt to allow them to participate (i.e., conference call). Parents are encouraged to participate in the meeting to assist in the development of the IEP. A draft may be provided upon request to the parents in advance of the meeting to review. For IEPs in IC, the parent can access a finalized copy via Parent Portal. For IEPs in GO-IEP, a printed copy will be sent home to the parent.

ECSD Criteria for Independent Educational Evaluations (IEE) at Public Expense

The parents of a student with a disability have the right under IDEA to obtain an independent educational evaluation at public expense. This is the criteria for Effingham County Public Schools when an independent educational evaluation at public expense is requested. Please contact the Director of Exceptional Students upon request for IEE.

IEE

As used in this section, IEE means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child with a disability in question. As used in this section, public expense means that the LEA pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. [34 C.F.R. § 300.502(a)(3)(i) - (ii)]

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 LEA, subject to the conditions in paragraphs (1)-(3) of this section. [34 C.F.R. § 300.502(b)(1)]

1. If a parent requests an independent educational evaluation at public expense, the LEA 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 LEA demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. [34 C.F.R. § 300.502(b)(2)(i) - (ii)]
2. If the final decision is that the LEA's evaluation is appropriate, the parent(s) still has/have the right to an IEE but not at public expense. [34 C.F.R. § 300.502(b)(3)]
3. If a parent requests an IEE, the LEA 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 LEA may not unreasonably delay either providing the IEE at public expense or initiating an impartial due process hearing to defend the LEA evaluation. [34 C.F.R. § 300.502(b)(4)] [160-4-7-.09]

The LEA must provide to the parents, upon request, information about where an IEE may be obtained and the LEA's criteria applicable for IEEs. [34 C.F.R. § 300.502(a)(2)]

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

1. Shall be considered by the LEA, if it meets state and LEA eligibility criteria, in any decision made with respect to the provision of a FAPE to the child; and
2. May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child. [34 C.F.R. § 300.502(c)(1)-(2)]

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. [34 C.F.R. § 300.502(d)]

Whenever the state or LEA pays for an IEE, 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 LEA uses when it initiates an evaluation. Except for the criteria described in this Rule, an LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. [34 C.F.R. § 300.502(e)(1)-(2)] A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. [34 C.F.R. § 300.502(b)(5)]

Evaluation Criteria

The following criteria has been established:

1. Location of evaluation: Within a 150 mile radius of the Effingham County Board of Education (405 N. Ash Street, Springfield, GA 31329)
2. Allowable cost/cap: Prevailing cost in the area for the type of evaluation requested, not to exceed a maximum of \$2600.00 per comprehensive psychological evaluation, \$1500 per behavioral evaluation, and \$350.00 for other relevant educational evaluations, such as speech therapy, occupational therapy, and/or physical therapy.
3. Examiner qualifications: An independent evaluator must maintain at least the same qualifications as the evaluator(s) who conducted the school system's evaluation with which you, the parent/guardian, disagreed. A list of possible providers is available from the Department of Exceptional Students.
4. The parent/guardian, once they have selected the evaluator, must contact and share the name with the Department of Exceptional Students, 405 North Ash Street, Springfield, GA 31329, 912-754-5623.
5. The parent/guardian must agree for the school system to release the previous evaluation report to the independent evaluator to avoid readministration of assessment instruments. The parent/guardian must agree that the independent evaluator will release the evaluation report to the school system and to the parent at the same time. The bill should be submitted to the Department of Exceptional Students, 405 North Ash Street, Springfield, GA 31329, (912-754-5623).
6. The independent evaluator must agree to obtain information from at least one of the student's current teachers/providers through either an informal interview, an observation of the student in the school setting, or completion of appropriate scales at no additional cost to the school system. The independent evaluator must also agree that if requested by the school system, he/she will attend the eligibility/IEP meeting at which the IEE will be addressed at no additional cost to the school system.

Parental Consent

At a minimum, informed parental consent shall be obtained before:

1. Conducting an **initial evaluation** to determine if the child qualifies as a child with a disability; [34 C.F.R. § 300.300(a)(1)(i)]
2. Conducting any **re-evaluation** of a child with a disability; [34 C.F.R. § 300.300(c)(1)(i)]
3. Providing initial special education and related **services** to a child with a disability; [34 C.F.R. § 300.300(b)(1)]
 - (i) 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.

(ii) Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.

Parent Refusal for Consent/Revocation

IDEA gives parents the right to consent to service. IDEA states parents should participate in all components of their child's education and be the primary protector of the rights of the child. Parents have the right to revoke consent for special education and related services. A parent may revoke consent for the receipt of special education and related services once the child is initially provided special education and related services. This revocation of consent must be made in writing and is for all special education and related services, not for individual services. When a parent revokes consent for special education and related services, **the LEA must provide the parent PWN including all required components.**

Procedures for Revocation of Consent

Parents may revoke Consent for the Provision of Special Education and Related Services at any time. If the parent notifies school staff that he or she would like to remove his or her child from special education services, contact the Case Manager. The following steps should be followed:

1. The Case Manager will communicate the request with a Program Manager.
2. A meeting should be scheduled (but is not required) with the parent to include at least the Case Manager, Program Manager, one general education teacher, counselor, school psychologist, and a school administrator.
3. In GO IEP, the revocation process is completed on the Timelines tab. All sections of the revocation form are completed and **prior written notice is provided.**
4. If the parent chooses not to meet, the Revocation form will be sent home along with PWN for review and signature. Revocation will begin 10 school days from the date PWN and the Revocation notice were sent.
5. If a parent chooses to meet, during the meeting, the Program Manager will discuss the process and read the Revocation form to the parent.
6. If the parent wishes to continue with revocation, the Case Manager will provide the parent with the Revocation form and a PWN.
7. The PWN should include:
 - a. A description of the action proposed or refused
 - b. An explanation of why the system proposes or refuses to take the action
 - c. A description of any other options the system considered and the reasons why those options were rejected
 - d. A description of each evaluation procedure, test, record, or report the system used as a basis for the proposed or refused action
 - e. A description of any other factors that are relevant to the system's proposal or refusal
 - f. Who the parent can contact for more information
 - i. Offer a copy of the Parent Rights
 - g. When the action will be implemented (date the student will be removed from special education and related services)
8. After these forms have been signed by the parent and received by the school, a copy will be made for the parent and uploaded to GO-IEP.
9. The Case Manager should complete a Data Clerk Change Form and submit that to the Data Clerk within 3 school days to update the special education status in Infinite

Campus. A Program Manager will complete the Revocation process in GO-IEP, which will exit the student.

Parent Training

With the support of our parent mentor, parents may be provided assistance:

1. To understand the special needs of their child and information about child development.
2. To acquire the necessary skills to support the implementation of their child's IEP.

Chapter 9 Discipline

State Rule: 160-4-7-.10

Effingham County School District administrators are expected to follow specific procedures when they discipline students with disabilities. In this chapter, removals of students by district officials refer to Out-of-school Suspensions (OSS), expulsions or other disciplinary actions of students under the IDEA. Questions concerning disciplinary actions for students with disabilities should be addressed with the administrator, the Director of Special Education, or the GA Department of Education.

Relationship of General Code of Conduct to IEP

ECSD publishes a code of conduct and school rules that are provided upon enrollment and can also be found in the ECSD Student Handbook. Parents, students, educators and administrators are expected to know the code of conduct and rules, and students with disabilities should be expected to follow the rules that are in effect for all the students in the school. Disciplinary procedures described in this chapter pertain to all students with disabilities in any category of eligibility who violate the code of student conduct. ECSD shall ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to discipline procedures, discipline and suspension/expulsion upon the child's entry into a special education program, at the annual IEP review and in the event of any disciplinary referral.

Interim Alternative Settings and 10-Day Rule

Students with disabilities are expected to follow the code of conduct. A student with a disability, who has an Individualized Education Plan (IEP) in effect, can be removed to OSS, another setting or an appropriate interim alternative educational setting (IAES), just as any other student without a disability can, for up to 10 school days, for violations of the code of conduct or school rules.

The 10 school days can be consecutive or cumulative and can occur during one school year. It is not necessary for the IEP team to meet when this occurs. If a child is accumulating repeated offenses and nearing 10 school days of removals that constitute a change of placement, an IEP team should be proactive and convene to discuss the student's behavior and develop a plan to address the behavior. To ensure that removals do not result in a change of placement, the following must occur:

- The student is afforded the opportunity to continue to appropriately participate in the general curriculum;
- The student continues to receive the services specified in his or her IEP; and
- The student continues to participate with nondisabled children to the extent he or she would have in his or her current placement. (71 Fed. Reg.46715 (2006))

The above criteria also applies to In-School Suspension (ISS).

The IEP Team is not required to hold a Manifestation Determination Review (MDR) meeting for removals that constitute a change of placement that total less than 10 school days.

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change of placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting. (See 34 C.F.R. § 300.530(d)(5))

A change of placement occurs when the removal is for more than 10 consecutive school days or the child has been subjected to a series of short-term removals that constitute a pattern because: (1) the series of removals totals more than 10 school days in a school year; (2) the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. (See 34 C.F.R. § 300.536(a))

If district officials want to suspend a student from school for more than 10 consecutive school days, or to have a student's educational setting changed to an IAES setting for up to 45 school days for weapon for drug possession or for infliction of serious bodily injury on another person, district officials should notify the parent immediately of this decision and provide the parent with their procedural safeguards notice. (See C.F.R. § 300.530(h))

School personnel may consider unique circumstances when determining whether a change of placement is appropriate for a student with a disability. District personnel who know the student and the facts and factors related to the behavioral violation are best to make this determination. District personnel may consider various forms of information such as the student's disciplinary history, ability to understand the consequences, and expression of remorse, as well as the supports that were provided to the student prior to the behavioral violation. See 71 Fed. Reg. 46714.

Manifestation Determination

The Manifestation Determination (MD) meeting is held to evaluate a student's misconduct, determine whether the misconduct is a manifestation of the student's disability, and determine if the student's IEP was being fully implemented at the time of the misconduct. In order to accomplish this purpose, the MD meeting attendees shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents (34 CFR 300.530).

Within 10 school days (according to the rule) from the beginning of a disciplinary action that either exceeds 10 school days in a row or constitutes a pattern of removals (a change of placement), the student's IEP team must meet to determine whether the behavior is or is not a manifestation of the student's disability. In Effingham County, District Administrators have requested that the appropriate school personnel make every attempt to hold the Manifestation Determination Review (MDR) within 3 school days.

The following two standards must be reviewed:

- Was the conduct in question caused by or does it have a direct and substantial relationship to the child's disability?

- Is the conduct in question a result of the system’s failure to implement the child’s IEP, including the BIP? (Note: Although not required, revisions to current behavior plans are recommended if interventions do not appear to be effective based on data collection).

If the MD meeting attendees answer “no” to both questions above, the determination is made that the behavior was not a manifestation of the disability.

If the MD meeting attendees answer “yes” to either or both questions above, the determination is made that the behavior was a manifestation of the disability.

MD Team Determines Misconduct is a Manifestation of the Student’s Disability

If the MD team determines that the misconduct is a manifestation of the student’s disability the student shall return to the placement from which the student was removed and an IEP meeting shall be convened.

Remember, the Manifestation Review and IEP are two separate meetings. Superintendent’s Designee for Discipline does not attend meetings in which the MD team stated the behaviors were a manifestation of the disability.

The IEP team should then do one of the following:

- Conduct a Functional Behavior Assessment (FBA). Team must get consent from the parent through reevaluation and redetermination form.
- If a BIP already has been developed, review the plan and modify it, as necessary, to address the behavior.

The student may return to the placement in which they are currently served, unless the team agrees on a change of placement.

MD Team Determines Misconduct is not a Manifestation of the Student’s Disability

If the MD team determines that the misconduct was not a manifestation of the student’s disability, then the student is subject to the same sanctions for misconduct as a child without a disability.

Following the MD meeting when the behavior is not a manifestation of the disability, the school designee for discipline, will step in to review the discipline recommendations.

The IEP team can convene following this meeting with the parent to discuss support and services. The parent should sign the waiver for Crossroads prior to this meeting occurring and a new parent invitation should be created in GO-IEP.

Local Procedures for MDR

Scheduling the MDR

Schedule a Manifestation Determination Review if a disciplinary action may result in a change in placement for more than 10 school days, including cumulative days.

The Case Manager should invite the following via Google invite:

- Behavior Program Manager- Check availability before scheduling the meeting
- Discipline Coordinator
- Discipline Designee
- School Administrator
- General Education Teacher(s)
- Parent/Guardian(s)- should receive the Parent Notice of Meeting along with Parent Rights. Should indicate MDR, parent concerns, and amendment checked.

Timeline

The MDR meeting should occur within 10 school days of the decision to change placement.

Meeting Process

- The IEP Team should include all required participants.
- Behavior Program Manager should bring a draft MDR form and lead the meeting.
- The Behavior Program Manager will finalize the MDR documentation following the discussion.

Placement Based on Determination

If the behavior *is* a manifestation ("Yes")

The student should return to their original placement unless:

- The incident involved special circumstances (i.e., weapons, drugs, or serious bodily injury), or
- The parent(s) and LEA agree to a change in placement as part of BIP modifications.
- The team will convene an IEP meeting to review and revise the BIP as needed. If the student does not have a BIP, the team will discuss the need for a Functional Behavioral Assessment (FBA). If FBA is needed, an RDR will need to be opened and completed by the case manager- SEE FBA Procedures

If the behavior *is not* a manifestation ("No")

This determination means:

- The behavior was not caused by or did not have a substantial relationship to the disability, and
- It was not the result of a failure to implement the IEP.

In this case:

- School personnel may proceed with standard disciplinary actions applicable to students without disabilities.
- The Superintendent's Designee of Discipline will meet with the Parent/Guardian(s) following the MDR to explain next steps.
- If the parent/guardian(s) sign a waiver letter, the IEP team may convene to develop or revise the student's educational services during the disciplinary period.
- If the waiver is not signed, the IEP team should not meet until the waiver is received or a discipline hearing is conducted.
- *It is critical to monitor the student's suspension days.* If the student has reached 10 cumulative days, the team should consider implementing home-based educational services until the disciplinary process is completed.
- The student should continue receiving educational services as required under 34 CFR §300.530(d).

Functional Behavior Assessment

The Functional Behavior Assessment (FBA) is a required process for addressing a student's problem behaviors. The purpose of the FBA is to determine the function of a specific behavior by identifying circumstances that precede the behavior (antecedents) and the reinforcers that occur after the behavior. The results of this assessment are discussed in an IEP meeting and positive behavior supports to address the problem are proposed.

The Functional Behavior Assessment is a dynamic process integrated, as appropriate, within the development and review of the student's Behavior Intervention Plan (BIP). The FBA looks beyond the behavior itself, and identifies significant, student-specific social, affective, cognitive, and/or environmental factors associated with the occurrence (and non-occurrence) of specific problem behaviors. This broader perspective offers a better understanding of the function or purpose behind student behavior.

What should be included in the FBA?

- Target Behavior-Define the target behavior in observable terms
- Data Collection & Analysis - Collect data through observations, checklists, interviews with school staff and parents, school records review, and other pertinent data (medical, historical, etc.). Determine frequency, duration, and/or intensity of the target behavior.
- Antecedent & Consequences-Antecedents are conditions that immediately precede the behavior. Consequences are conditions that immediately follow the behavior.
- Functions of the Target Behavior - Determine causes and functions for the target behavior. The four functions of behavior are attention, avoidance/escape, access, and sensory.
- Reinforcers - Identify positive reinforcers that are meaningful to the student that will enhance the likelihood of desirable behavior.

When should a FBA be conducted?

- When a student with any disability has behaviors that are preventing the student from making appropriate progress in the general curriculum and appropriate advancement toward achieving the goals set out in the student's IEP
- When a student with any disability has been suspended for 5 school days in a given school year grades pre-k through 3rd.
- When a student with any disability has been suspended repeatedly for challenging or serious behaviors.

- When a student with any disability is referred to a disciplinary hearing.

As soon as the student begins exhibiting a behavior that impedes his learning, best practice is to begin collecting data. It is best practice to have 10 school days of FBA data collected across multiple settings to use when developing a BIP. Staff may contact a behavior specialist or Program Manager to assist with the assessment.

A signed parental consent is required for a FBA. Consent for a Full Evaluation can also serve as consent for FBA. Consent for FBA is generated in GO-IEP by completing a RDR (Option C). Data collection forms may be completed electronically via google forms or paper/pencil. If Google forms are not used, please provide paper/pencil forms to a behavior specialist 3 school days prior to the meeting. Data should be collected for a minimum of 10 school days.

Behavior Intervention Plans

A Behavioral Intervention Plan (BIP) consists of positive interventions, strategies, and supports designed to address the behavior in question. A team approach that includes relevant district staff and the parent is critical to developing a successful BIP. A BIP will be based on a FBA and should include positive behavioral intervention strategies and supports to address the inappropriate behavior. A FBA should be completed, if appropriate, in relation to the development or modification of a student's behavioral intervention plan. Prior to conducting a Functional Behavior Assessment, signed parental consent should be obtained.

What should be included in the BIP?

- Target Behaviors - A description of the behavior targeted for change. Define behaviors in specific, observable and measurable terms. If there are more than one target behaviors, choose the most challenging.
- Positive Behavior Supports and Interventions include proactive methods of teaching appropriate behaviors (e.g., conflict resolution, social skills instruction, and other supports).
- Replacement Behaviors - Replacement Behaviors or Functionally Equivalent Behaviors are behaviors that serve the same function. Our goal is to replace the current inappropriate, unacceptable, behavior with an acceptable replacement behavior. If the new proposed behavior does not meet the same function, then the student will be less likely to add it to their repertoire.
- Consequences for Target Behavior - Consequences should include alternatives to suspension, promote the learning of the replacement behavior, and address the occurrence of the target behavior.
- Reinforcers - Based on the student's preferences to improve the likelihood of desirable behavior.
- Function - Information regarding the function of the behavior from the FBA
- Interventions - Those listed in the BIP should be evidence-based practices

An IEP amendment should be completed each time a BIP is modified. Parents, teachers, students, and administrators should be involved in this amendment process. Teachers need to be sure to notify teachers and administrators when changes are made to a BIP. All teachers/staff who work directly with the student are expected to read and follow the BIP documented in the student's IEP located in the GO-IEP software program.

Local Procedures for FBAs/BIPs

How to Conduct an FBA

Step 1: Schedule IEP Meeting

- The Case Manager schedules and facilitates an IEP meeting to address behavioral concerns.
- During the meeting, the IEP team will determine whether an FBA is warranted.

Step 2: Complete Re-Evaluation Determination Review (RDR)

- If the team agrees to Option A (full evaluation) or Option C (gather more information)
 - Check “Social/Emotional/Behavioral” as the area of concern.
- Review student records and all current behavior data as part of this process. RDR Areas per disability
- Obtain parental consent for the evaluation from GO-IEP and upload.
- The Case Manager finalizes the RDR and submits the parent consent to Program Manager of Compliance and Professional Learning at the Board of Education. Case Manager signs.
- Complete the Consent for FBA Google Form
***** Note: This form is how the Behavior Specialist is notified that an FBA is being conducted. This only lets them know consent has been signed. If you need further assistance, please email the Behavior Specialist directly.*

Step 3: Data Collection (10 Days Minimum)

- Collect behavior data for at least 10 school days across all relevant settings/environments.
- Use the appropriate form:
 - Elementary FBA Form (arrival, ELA, Math, Science/Social Studies, Lunch, Recess, Specials, etc) or
 - Middle/High School (MS/HS) FBA Form (1st Period, 2nd Period, IF, etc)
- If assistance is needed, the Case Manager should email their school-assigned Behavior Specialist for support with data collection.

Step 4: Schedule Follow-Up IEP Meeting

- After data collection is complete, the Case Manager schedules a second IEP meeting to review the data, regardless of outcomes.
- If support with the FBA draft is needed, or if the Behavior Specialist should attend the meeting, the Case Manager must email the assigned Behavior Specialist in advance to check availability.

Step 5: Prepare and Upload the FBA

- If a Behavior Specialist is present, they will lead the FBA discussion and bring a draft. If you would like a Behavior Specialist to attend the meeting, please reach out to them prior in order for them to check their availability.
- If not, the Case Manager is responsible for completing the FBA Google Document.

Reminder: There is no FBA form in GO-IEP. The completed Google Doc should be uploaded manually.

Step 6: Develop or Revise the BIP (If Needed)

- The IEP team decides whether a Behavior Intervention Plan (BIP) is necessary.
 - A BIP is expected for students receiving services under the EBD eligibility category and/or in the Behavior Support Class.
- If a BIP is needed:
 - The team will create a new BIP or revise the existing one.
 - The BIP section should be completed directly in GO-IEP.
 - If a Behavior Specialist is present, they will lead the BIP discussion and bring a draft.

Step 7: Add a Behavior Goal(s)

- If a BIP is developed, the student should also have an IEP goal related to the target behavior. The case manager is responsible for making sure this is in the IEP.

Step 8: Monitor Progress

- The behavior goal and BIP should be progress monitored
- Progress Monitoring Google Form

*The Case Manager is responsible for all sections of the IEP, completing and submitting.

Special Circumstances: Weapons, Illegal Drugs, Injury

In Special Circumstances, students may be placed in an interim alternative educational setting (IAES) for up to 45 school days regardless of the manifestation determination. These circumstances include the following violations to the code of conduct and school rules:

- Weapons - If a child carries or possesses a weapon as defined in 18 U.S.C. 930(g)(2)– (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 ½ inches in length);
- Drugs - If the child knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances. (Illegal drugs are a controlled substance not legally possessed or used under the supervision of a licensed healthcare professional, or legally possessed or used under any other authority under the Controlled Substance Act (21 U.S.C. 1812) or under any other provision of federal law. A controlled substance is a drug or other substance identified under Schedule I, II, III, IV, or V in the Controlled Substances Act); and
- Serious bodily injury - If a child has inflicted serious bodily injury upon another person, injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 18 U.S.C. 1365(3)(h).

If the parent(s) disagree with the interim alternative educational placement or with the school district's proposed placement and initiate a due process hearing, the child should remain in the

interim alternative educational setting during the authorized review proceedings, unless the parent(s) and the school district agree on another placement.

This authority can be exercised if a child commits any of the offenses described above at school, on school premises, or at a school function under the jurisdiction of the State or LEA 34 C.F.R 300.6530(g), (i).

Provision of Notification of Change of Placement

When consequences for a behavior infraction result in a student being suspended beyond 10 school days, this may constitute a change of placement for the student and require scheduling a MDR meeting. Relevant information from the student's file (including but not limited to the IEP, teacher observations, parent information, and student information) should be reviewed to address the specific behavior leading to suspension(s), in order to prevent it from recurring.

If the IEP Team determines that the student's conduct was not caused by or directly and substantially related to the student's disability and the Team finds that the conduct in question was not a direct result of failure by the school to implement the IEP, then the student will be subjected to the same consequences as a non-disabled student. If these actions include expulsion, the IEP team should determine how the provision of a FAPE will continue for the student. In addition, the IEP team, if appropriate, may conduct a FBA and develop a BIP.

If the IEP Team determines that the student's conduct was caused by or was directly and substantially related to the student's disability or the IEP Team finds that the conduct in question was the direct result of a failure by the school to implement the IEP, the disciplinary process will continue; however, the student may not be subjected to the same discipline as non-disabled students. An IEP meeting should be held to review the current placement and discuss program changes or modifications, if needed. In this case, if the student does not have a BIP, the IEP Team should conduct a FBA and implement a BIP. If the student already has a BIP that addresses the conduct in question, the IEP Team should review and modify the plan as necessary to address the behavior.

A change of placement occurs under Sec. 300.530 through 300.535 if a student is removed from their current educational setting for more than 10 consecutive or cumulative 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.

Although the determination is subject to review through due process or judicial proceedings, school personnel may determine on a case-by-case basis whether a pattern of removals constitutes a change of placement.

In an effort to provide ongoing monitoring and supervision of discipline practices related to change of placement for students with disabilities, discipline data is collected.

Appeal Process

The parent of a student with a disability can appeal decisions related to discipline. This includes the manifestation determination as well as the selection of an interim alternative educational setting (IAES) regarding the issues of weapons, illegal drugs or controlled substances, or serious bodily injury. Although required at least once to be provided to parents, procedural safeguards/parents rights are provided to parents at MDR, upon initial placement, annual review IEP meetings and any other appropriate time needed. The LEA at the meeting explains the parental safeguards to include the process for appealing any decisions made by the committee. To appeal the decision made by the IEP committee, parents should request a hearing in writing to the Director of Special Education. See Chapter on Dispute Resolution for additional Information.

ECSD can also appeal decisions related to discipline if the system believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others. In making a determination under this Rule, the administrative law judge or hearing officer may:

- Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of this Rule or that the child's behavior was a manifestation of the child's disability; or
- Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for up to 45 school days if the administrative law judge or hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. [34 C .F .R. §300.531(b)(2)(i)-(ii)]
- This determination is subject to review through due process hearings and judicial proceedings. [34 C .F .R. § 300 .536(b)(2)]

These appeal procedures may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. [34 C .F .R. § 300 .532]]

Whenever a hearing is requested under paragraph(8)(a) of the Discipline Rule, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with Rule 160-4-7- .12 Dispute Resolution, except as provided in 1 and 2 below.

1. The State is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing. [34 C .F .R. § 300.532(c)(2)]
2. Unless the parents and LEA agree in writing to waive the resolution meeting described in Rule 160-4-7- .12 Dispute Resolution or agree to use the mediation process described in the same Rule:
3. A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint; and the due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint. The decisions on expedited due process hearings are appealable consistent with Rule 160-4-7-.12 Dispute Resolution.

Placement During Appeal

All appeals in the case of disagreement by the parent/legal guardian should comply with due process requirements of IDEA.

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting (IAES), known as “Stay-put” (unless the parent and district agree otherwise) until the expiration of the interim placement or a hearing decision, whichever occurs first. This expedited hearing must occur within 20 school days of the day requested. A determination must be made by the administrative law judge within 10 school days after the hearing. The parent or the district may appeal the administrative law judge’s opinion consistent with Rule 160-4-7:10 Dispute Resolution.

Protections for Children Not Yet Eligible

Under state and federal laws and regulations, a student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated any rule or code of conduct, may assert any of the protections provided to student with disabilities if the school had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

The school is deemed to have knowledge of the student with a disability if prior to the incident:

- The parent of the student expressed concern in writing to school staff that the student is in need of special education services.
- The parent has requested an evaluation of the student; or
- The teacher of the child or other school personnel has expressed specific concerns about the pattern of behavior of the child to the Director of Special Education or other supervisory special education personnel.

The school is deemed not to have knowledge the student is a student with a disability if:

- The parent has not allowed an evaluation of the child
- The parent has refused services
- The child has been evaluated and determined not to be a child with a disability based on state eligibility determinations and criteria rules and regulations.

If there is no prior knowledge of disability, the student may be subject to the same disciplinary measures as those applied to students without disabilities with the following limitations:

- If a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation should be conducted in an expedited manner; and
- Until the evaluation is completed, the student remains in the educational placement determined by school authorities.

Referral to Law Enforcement and Judicial Authorities

The school system may choose to notify local authorities when a student with a disability commits a crime. Should the system LEA do so, the school also should 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 only as permitted by Family Educational Rights and Privacy Act (FERPA).

Change of Placement Due to Disciplinary Removal

A change of placement occurs:

- if the disciplinary removal is for more than 10 days consecutive or cumulative.
- if the removal is part of a series of removals that constitutes a pattern.

A pattern of removals occurs when:

- a series of removals totals more than 10 school days in a school year;
- the behavior is substantially similar to previous incidents that required removal;
- and the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another have been considered.

The district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process hearings and judicial proceedings.

Frequently Asked Questions (from GaDOE)

1. What is meant by consecutive school days?

Consecutive refers to the number of school days of suspension in a row.

2. How are cumulative days of suspension in a school year addressed?

The Discipline Rule addresses cumulative or non-consecutive days by referring to school days in the same school year. LEAs may suspend a child with disabilities for up to 10 (cumulative) school days total in a school year without providing special education and related services, unless the LEA would provide services to a child without disabilities who has been similarly removed.

3. Does in-school suspension (ISS) constitute a removal from school?

If a child is afforded the opportunity to continue to appropriately participate in the general curriculum, continues to receive the services specified in his or her IEP and continues to participate with nondisabled children to the extent he or she would have in his or her current placement while in ISS, then it is not counted as a removal toward a change of placement under 34 C.F.R. § 300.536(a).

4. What is free appropriate public education (FAPE) for a child who has been removed for more than 10 school days in a school year for disciplinary reasons?

FAPE applies in those circumstances and consists of services that enable the child to continue to participate in the general education curriculum and services that enable the child to progress toward meeting the goals set out in his or her IEP. See 34 C.F.R. § 300.530(d)(1)(i).

5. What is the definition of behavioral intervention plan?

A behavioral intervention plan (BIP) is a plan for a child with disabilities, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings. [Georgia Rule 160-4-7-.21(7)]

6. At what point in the disciplinary process is a child required to have a behavioral intervention plan?

Within 10 days of any decision to change the placement of a child with a disability because of a violation of the student code of conduct, the relevant members of the IEP Team should make the determination as to whether the conduct was a manifestation of the child's disability. If it is determined to be a manifestation of the child's disability, a FBA and a BIP should be developed, reviewed, and/or modified. If it is determined not to be a manifestation of the child's disability, a FBA and behavior intervention services and modifications should be provided, as appropriate, to address the behavior violation and so that it does not recur.

7. What is a functional behavioral assessment?

A FBA is 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 BIP should be developed. [Georgia Rule 160-4-7-.21(20)]

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8. Does a BIP have to be based on a FBA? Is an FBA required before a BIP can be done?

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

9. Do removals from the school bus count as days of out-of-school suspension?

Yes, if special transportation is listed in the child's IEP and a child is suspended from the bus. Since IEP services have been interrupted, the bus suspension/removal will be counted as out-of-school suspension unless the LEA makes provisions for alternative transportation.

10. Who makes the manifestation determination?

The determination is made by the parent, relevant members of the IEP Team (as determined by the LEA and the parent); and the LEA.

11. LEAs conduct a tribunal to determine guilt or innocence when a child is accused of a serious or repeated violation of the code of conduct. Is the manifestation determination conducted before or after the tribunal?

The manifestation determination may be conducted before or after the tribunal based on the LEA's policies/procedures.

12. What must occur if the determination is made that the behavior in question was a manifestation of the child's disability?

The child must be returned to the placement from which the child was removed, except in cases involving weapons, serious bodily injury, or illegal drugs or controlled substances, unless the parent and the LEA agree to a change in placement. If a BIP is not in place, the IEP Team must conduct a FBA, unless the LEA had conducted one prior to the behavior, and a BIP should be implemented. If a BIP is already in place, the

IEP Team must review the existing BIP; and the IEP Team must make changes needed in the BIP to address the behavior.

13. What occurs if the determination is made that the behavior in question was not a manifestation of the child's disability?

For disciplinary removals that would exceed 10 consecutive school days, LEA personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to children without disabilities, except that the child must:

- continue to receive educational services so as to enable the child to participate in the general education setting and to progress toward meeting IEP goals, although in another setting; and
- receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

14. If the Manifestation Determination decides that the child's behavior was not a manifestation of the disability, and the tribunal decides that the child is to be served in an alternative educational setting, must the LEA provide transportation?

First, the tribunal does not determine the special education services, the IEP Team determines the special education services of the child so that he or she may continue to progress toward meeting the IEP goals and to have access to the general education curriculum. Whether or not transportation must be required will depend on whether specialized transportation was required in the IEP. If it was in the IEP, then it must be provided for the alternative education setting. In other circumstances, the Team must consider whether not having transportation results in removing the child from services. If so, the IEP Team should consider an alternative.

15. When are the provisions about weapons, illegal drugs, controlled substances, and serious bodily injury in effect?

These provisions are in effect when children are at school, on school premises, and at school functions.

16. When should a parent be notified of a change of placement due to a removal because of a violation of the code of student conduct?

The LEA is responsible for notifying the parent and providing procedural safeguards on the date on which the decision is reached to make such a removal that constitutes a change of placement.

17. What decisions about discipline can a parent appeal?

A parent may appeal the manifestation determination and the selection of an interim alternative educational setting regarding the issues of weapons, illegal drugs or controlled substances, or serious bodily injury.

18. Can the LEA appeal any decisions related to discipline?

Yes, the LEA may appeal if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

19. How does the parent or the LEA file an appeal?

The parent or the LEA must request a due process hearing, and an expedited due process hearing will occur within 20 school days of the date the hearing is requested. A determination must be made by the administrative law judge (ALJ) within 10 school days after the hearing. For more information on due process hearings, see the Dispute Resolution Chapter.

20. May the hearing officer's decision on an expedited due process hearing be appealed?

Yes. The parent or the LEA may appeal the administrative law judge's opinion consistent with Georgia Rule 160-4-7-.12 Dispute Resolution.

21. What happens to the child's placement when an appeal under the Discipline Rule is made?

When the parent disagrees and appeals, the child will remain in the IAES pending the hearing decision or until the expiration of the 45-school-day time period if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise. The child does not stay put in his or her special education placement that was in place prior to the IAES.

22. What protections are in place for a child who has not been determined to be eligible for special education and related services and who has violated the code of student conduct?

A child may assert protections under the Discipline Rule if the LEA is deemed to have knowledge that the child was a child with a disability before the behavior occurred.

23. How is it determined that the LEA had knowledge that the child was a child with a disability?

An LEA is deemed to have knowledge that a child was a child with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

- The parent expressed concern that the child was in need of special education and related services. (This concern must have been expressed in writing to supervisory or administrative personnel in the LEA, or to a teacher of the child.);
- The parent requested an evaluation of the child (consistent with Georgia Rule 160-4-7-.04 Evaluation and Reevaluation); or
- The teacher of the child, or other LEA personnel, expressed specific concerns about a pattern of behavior of the child. (These concerns must have been expressed directly to the local special education director or other LEA supervisory personnel.)

24. If a child becomes involved in a disciplinary action and has been previously evaluated and determined ineligible for services, what is the LEA's responsibility? In addition, if a parent requests an additional evaluation, what is the LEA's responsibility?

The district is not deemed to have knowledge that a child is a child with a disability if the parent has refused services or the child has been evaluated and found ineligible for services. However, if a child was found ineligible for services, and subsequently the parent expressed concern that the child was in need of special education services; or the parent requested an evaluation for special education services; or LEA personnel expressed specific concerns about a pattern of behavior to the special education

director or other LEA supervisory personnel, before the disciplinary action, the LEA is deemed to have knowledge that the child is a child with a disability and the child is entitled to protections under Discipline Procedures. If a parent requests an evaluation of a child during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by LEA authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, the LEA must provide special education and related services.

25. Can law enforcement officials be informed of suspected criminal activity of a child with a disability?

Yes. The LEA may report criminal acts committed by a child with a disability. Nothing in the Discipline Rule prohibits the LEA from reporting criminal activity allegedly committed by a child with a disability.

26. When does a change of placement occur?

A change of placement occurs:

- if the disciplinary removal is for more than 10 consecutive days; or
- if the removal is part of a series of removals that constitutes a pattern.

27. What constitutes a pattern of removals?

A pattern of removals occurs when:

- a series of removals totals more than 10 school days in a school year;
- the behavior is substantially similar to previous incidents that required removal; and
- the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another have been considered.

28. How is it determined that a series of removals constitutes a change of placement?

The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process hearings and judicial proceedings.

Chapter 10 Surrogate Parents

State Rule: 160-4-7-.11

IDEA defines the conditions under which students need representation by a surrogate parent as being “when no parent can be identified or located or the child is a ward of the state of the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.” IDEA defines the term “parent” as a natural or adoptive parent, a legal guardian, a person acting as a parent, or a surrogate parent who has been appointed to represent the child in educational issues or a foster parent if

the foster parent was trained and appointed as the surrogate parent of a child with a disability. "Person acting in the place of a parent" means a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of the child. "Surrogate Parent" means an individual appointed by the district to make education decisions regarding FAPE of a child with a disability. "Guardian" means a person authorized to act as the child's parent and/or to make educational decisions, but it does not mean the State if the child is a ward of the State.

Efforts to Locate Parents

ECSD determines the need for appointment of surrogate parents. Case managers will review student records for information that will lead to contacting parent(s). If the case manager is unable to locate the parent, the case managers should seek support from the school counselor, school system social worker, and/or system attendance officer. If no parent can be identified, and in order to provide every student with the protection of procedural due process, a surrogate parent shall be appointed. The Director of Exceptional Students will be notified of the need to assign a surrogate parent for a student with a disability or a suspected disability. The school district will provide necessary training and appoint/assign a surrogate parent who will represent the child regarding the child's rights and interests for any evaluation, meeting, or educational decisions for special education services. In order to provide every child eligible for a public education with the protection of procedural due process, a surrogate parent shall be appointed by ECSD when:

1. No parent can be identified; [34 C.F.R. § 300.519(a)(1)]
2. ECSD, after reasonable efforts, cannot locate the parents; [34 C.F.R. §300.519(a)(2)]
3. The child is a ward of the State under the laws of Georgia ; [34 C.F.R. §300.519(a)(3)] ; or
4. The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U. S.C. 11434a(6)). [34 C.F.R. § 300.519(a)(4)]

Surrogate parents will receive special training and will act as the parent by providing consent and participating in IEP Team/other meetings, etc. The surrogate parent has the same rights and responsibilities as a parent in special education in matters relating to a student. ECSD will maintain a manual of training materials and a list of trained surrogate parents. Please contact the Director of Exceptional Students for more information.

Ward of State and Homeless Youth

IDEA defines the conditions under which students need representation by a surrogate parent as being "when no parent can be identified or located or the child is a ward of the state of the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act." IDEA defines the term "parent" as a natural or adoptive parent, a legal guardian, a person acting as a parent, or a surrogate parent who has been appointed to represent the child in educational issues or a foster parent if the foster parent was trained and appointed as the surrogate parent of a child with a disability. Person acting in the place of a parent" means a person such as a grandparent, a stepparent or other relative with whom the

child lives, or a person other than a parent who is legally responsible for the welfare of the child. "Surrogate Parent" means an individual appointed by the district to make education decisions regarding the free appropriate education (FAPE) of a child with a disability. "Guardian" means a person authorized to act as the child's parent and/or to make educational decisions, but it does not mean the State if the child is a ward of the State. The surrogate parent CANNOT be an employee of the agency providing services to the child, including the Effingham County School District and the Department of Family and Children Services.

In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements Information concerning surrogate parents is provided at least annually in Special Education: A Parent's Guide to Understanding Rights and Responsibilities. See Parents' Rights.

Appointment of Surrogate

ECSD will determine the need for a surrogate parent as well as maintain an updated list of surrogate parents. IDEA defines the conditions under which students need representation by a surrogate parent as being when no parent can be identified or located, the child is a ward of the state, or the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.

ECSD Determines Need and Maintains a Surrogate List

Once the need for a surrogate parent is identified according to the above mentioned guidance, Case Managers should notify the Director of Exceptional Students who is responsible for maintaining the list of surrogate parents and providing the training to any individuals assigned as surrogate parents.

Criteria for Surrogate Parent Selection

Pursuant to the Georgia rule, ECSD will ensure that the surrogate parent:

1. Is not an employee of the GaDOE, ECSD, or any other agency that is involved in the education or care of the child;
2. Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents;
3. Has knowledge and skills that ensure adequate representation of the child.

A person otherwise qualified to be a surrogate parent will not be an employee of the LEA solely because he or she is paid by the LEA to serve as a surrogate parent. [34 C.F.R. §300.519(e)]

Surrogate Parent Responsibilities

The surrogate parent may represent the child in all matters relating to:

1. The identification, evaluation, and educational placement of the child;
2. The provision of FAPE to the child . [34 C.F.R. § 300.519(g)]

The person serving as surrogate parent shall not be liable for any civil damages for any action taken while performing the role of surrogate parent, except for acts of omission, gross, willful and/or wanton misconduct.

Liability

Any individual appointed to act as a surrogate parent for a child with a disability under IDEA shall not be liable for any civil damages for any action or actions done while performing duty as a surrogate parent, except for acts or omissions to act constituting gross, willful, or wanton negligence. [O.C.G.A. Section 20-1-5]

Chapter 11 Dispute Resolution

State Rule: 160-4-7-.12

Complaint Process

A parent, individual, organization, or advocate may file a signed, written complaint with Georgia DOE alleging that the School District has violated the rights of one or more children with disabilities. Such a complaint must include:

- A statement that the School District has violated a requirement of the IDEA, Georgia DOE code, or their implementing regulations;
- The facts on which the statement is based;
- The signature and contact information for the complainant;
- The names, addresses, and schools of attendance of the students involved, if known;
- 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.

A complaint to Georgia DOE must allege only violations that occurred not more than one year prior to the date on which Georgia DOE receives the complaint.

Mediation Process

(SEE 34 C.F.R § 300.506 AND GEORGIA RULE 160-4-7-.12)

When the parent and the LEA disagree about the education of a child with a disability, either may request mediation. An impartial or neutral person, called a mediator, assists the LEA and the parent in clarifying the problem, exploring interests, discussing options, and reaching a mutually agreeable solution. The mediator does not tell either party how to resolve the dispute, but he or she works with both in the development of their solution. If an agreement is reached, it is documented in writing and signed by all parties. The written agreement is a legally binding agreement and is enforceable in any Georgia court of competent jurisdiction, in a District Court of the United States, or through the formal complaint process. This informal and collaborative approach to problem solving can often foster a positive working relationship between the LEA and the family.

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

Mediation:

- is confidential
- is voluntary
- is informal
- occurs in a short period of time
- is free to both the family and the LEA
- is less burdensome than a due process hearing or a formal complaint
- has a high success rate

- can result in a legally binding agreement

Procedures for Mediation

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

Impartial Due Process Hearings

(See 34 C.F.R § 300.507-300.518 and SBOE Rule 160-4-7-.12)

When the parent and LEA disagree over the identification, evaluation, placement, or provision of a FAPE, either party may request a due process hearing. An impartial due process hearing is designed to provide an opportunity to resolve differences between concerned parties in the identification, evaluation, placement, or provision of a free appropriate public education for a child with a disability in a court setting. A hearing may be requested by either the LEA or the family.

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

Due process hearings are provided at no cost to either party; however, each party is responsible for their costs associated with hiring legal counsel or expert witnesses, if they choose to do so, unless a court awards the recovery of these costs to a prevailing party. The LEA must inform the parents of low cost legal and other relevant services available if the parent requests the information or whenever a due process hearing request is received by the LEA. Due process hearings are conducted by the Office of State Administrative Hearings (OSAH). Once a request is received by the GaDOE, the GaDOE forwards the request to OSAH and an administrative law judge (ALJ) will be assigned to conduct the due process

hearing. OSAH will contact both parties and begin to set up the arrangements for the impartial due process hearing.

A due process hearing must be conducted and the decision issued within 45 days after the ALJ has been informed of one of the following events:

1. both parties agree in writing to waive the resolution meeting;
2. after either the mediation or resolution meeting starts, but before the 30-school days resolution period ends, the parties agree in writing that no agreement is possible; or
3. if both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or district withdraws from mediation. Extensions to the 45 days for a decision may be granted by the hearing officer at the request of either party.

Impartial Due Process Hearing:

- The initiating party should inform the other party and the GaDOE of the request for a due process hearing.
- The filing party is responsible for relaying the hearing request to the GaDOE.
- The request is required to contain the name of the student, the residential address of the student, and the name of the school. It is also helpful to include the LEA in which the student is enrolled with contact information as well as contact information for the family. The request must also contain a description of the problem and a proposed resolution. The form provided by GaDOE should be used but is not required. A hearing may not occur until the party or the attorney representing the party files a request that meets all of the requirements.
- An LEA may, but is not required to, assist the parent in completing the form as necessary to get a sufficient complaint notice.
- Once received by the GaDOE, immediate contact will be made with the OSAH to assign the case to an ALJ.
- The ALJ will contact the parties and begin to set up the logistics of the hearing.
- An expedited due process hearing may be requested if the request is related to a manifestation determination or placement in an alternative educational setting.

Timeline:

A due process hearing must be conducted and the decision issued within 45 school days of the request for a hearing. If a resolution meeting or mediation is used, the timeline of 45 school days begins at the conclusion of a 30 (school) day resolution period, or earlier if the resolution meeting or mediation does not result in a settlement. Other extensions may be granted by the hearing officer at the request of either party.

An expedited due process hearing must be conducted within 20 school days of the request for a hearing and a decision issued without 10 school days after the hearing. If a resolution session or mediation is used, the timeline of 20 school days begins at the conclusion of the 15 (school) day resolution period.

Responsibilities of LEA Upon Receipt of a Request for a Due Process Hearing:

- If the LEA has not provided prior written notice to the requestor regarding the issues in the request, it must, within 10 school days, provide such prior written notice.

- If the LEA has provided prior written notice, it must respond to the due process request within 10 school days.
- If the LEA feels that the due process request is insufficient, the LEA must notify the ALJ within 15 school days of receiving the request. (The ALJ has 5 calendar days to determine whether the request is sufficient. If sufficient, the timeline moves forward. If not sufficient, the parent must re-file the request.)
- The LEA must convene a resolution meeting within 15 school days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing. If the due process hearing request is filed as an expedited request, the LEA must convene a resolution meeting within 7 school days of receiving the due process request. The LEA must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request. This meeting must include a representative of the LEA who has decision-making authority on behalf of the LEA. The resolution meeting may not include an attorney for the LEA unless the parent is accompanied by an attorney. The parent and the LEA determine the relevant members of the IEP Team who will attend the meeting. The resolution meeting need not be held if the parent and the LEA agree in writing to waive the meeting, or the parent and the LEA agree to use mediation instead of a resolution meeting to attempt to resolve the due process hearing request.

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

- If the parent is the receiving party (not the party making the request), he or she must respond to the LEA within 10 school days of receiving notice of a due process request.
- If the parent is the initiating party, he or she must provide sufficient information with the request to allow the LEA to understand why the request is being made. The form provided by the GaDOE should be used but is not required.
- The parent should consider using the resolution meeting or mediation to resolve the differences.

Resolution Meeting:

The LEA must offer the option of a resolution meeting within 15 school days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing. If the due process hearing request is filed as an expedited request, the LEA must offer the option of a resolution meeting within 7 school days of receiving the due process request. The LEA must convene a resolution meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request. This meeting must include a representative of the LEA who has decision-making authority on behalf of the LEA. The resolution meeting may not include an attorney for the LEA unless the parent is accompanied by an attorney. The parent and the LEA determine the relevant members of the IEP Team who will attend the meeting. The resolution meeting need not be held if the parent and the LEA agree in writing to waive the meeting, or the parent and the LEA agree to use mediation instead of a resolution meeting to attempt to resolve the due process hearing request.

- If agreement is reached, a written settlement agreement will be developed and signed by the LEA and the family.
- An agreement is binding after a 3 (school) day review period in State or District Court or through the formal complaint process.
- The agreement must be executed by the end of the 30 (school) day resolution period or the due process hearing will proceed.

- If no agreement is reached and the parties do not agree to mediate, the timeline for due process hearings (45 school days) begins upon notice to the ALJ.

Procedures/Rights for a Hearing:

- The hearing will be conducted at a time and place convenient to the parent and the LEA involved and at an impartial location.
- The LEA shall provide the parent information about low cost or no cost legal services.
- Parents have the right to request and obtain copies of all records concerning the child from the LEA five or more business days prior to a hearing.
- Either party may be accompanied and advised by legal counsel or another individual with knowledge or training related to the student about whom the hearing is being conducted.
- Either party may present evidence at the hearing if disclosed to the other party at least five business days prior to the hearing.
- Either party may compel the attendance of witnesses. One party must provide a list of witnesses to the other party at least five business days prior to the hearing.
- Parents have the right to have the child present at the hearing.
- Confidentiality of information shall be maintained even when in a hearing.
- Parents in a hearing have a right to obtain relief that the ALJ determines appropriate, which may include payment for an independent evaluation, reimbursement for services, amendment of the IEP, change of the placement, or other relief as determined by the ALJ.
- Both parties will receive a copy of the written ALJ decision from the hearing.
- An appeal to a due process hearing must be filed within 90 calendar days in a State or District Court.

Child's Status During the Hearing:

- When a hearing has been requested by either party, the child shall remain in his or her current educational placement unless the parent and the LEA agree to an alternate placement. This is commonly referred to as "stay put."
- If the hearing request is filed as an expedited hearing request, the child shall remain in the interim alternative educational setting pending the decision of the ALJ unless the parent and LEA agree otherwise.
- If the hearing is the result of an initial admission to public school, the child shall be placed, with the consent of the parent, in the school program until completion of the hearing proceedings. The current educational placement includes the services provided in the IEP and all related services.
- Other special circumstances may apply, and the Georgia Rule (160-4-7-.18) should be reviewed to determine the student's status pending a due process hearing.

Local Procedures:

- School personnel and/or parents are encouraged to contact the Director of Special Education if assistance is needed to resolve any disagreements or conflicts pertaining to the identification, evaluation and/or placement of students with disabilities.
- ECSD adheres to the above mentioned procedures pertaining to the state board rule on dispute resolution.

Frequently Asked Questions (from GaDOE)

Facilitated IEP Team Meetings

1. Who attends a Facilitated IEP meeting?

Members of the IEP Team and the facilitator attend the facilitated IEP meeting.

2. Where and when is a facilitated IEP meeting held?

The facilitated IEP Team meeting is scheduled by the LEA, in cooperation with the parent, and held at a time and place that is mutually agreed upon.

3. What happens if we don't reach a consensus at the first meeting?

If a consensus is not reached at the first meeting, another IEP Team meeting may be scheduled by completing another IEP Team Meeting Facilitation Request form. A complete and signed FIEP request form and notice of meeting must be submitted to the GaDOE at least 7-10 calendar days before the next scheduled IEP Team meeting.

4. What if we require additional time?

The time for Facilitated IEP Team meetings is limited. If a meeting is scheduled and cannot be finalized, the meeting may be reconvened on another day, with or without a facilitator. There may be rare cases when a second session is needed. Prior to scheduling a second session, the facilitator must contact the GaDOE to explain why a second session is needed and to seek approval. If the parties did not schedule ample time (3 or more hours) for the first meeting, a second session will not be approved.

5. Does the facilitator make decisions?

No. Facilitators are trained in effective communication and ways to address and resolve conflicts. The role of the facilitator is to help IEP Team members develop group norms, an agenda, and desired outcomes for the meeting, guide discussions by asking student-focused questions, and keep the IEP Team on task and the meeting on schedule.

6. Does it cost the school or the parent to participate?

No, IEP facilitation is provided at no cost to parents or LEAs.

7. What are some benefits of IEP Team meeting facilitation?

- May build and improve relationships among IEP Team members
- Team members may feel better heard when a facilitator is involved
- Allows all members of the IEP Team the chance to participate fully
- The IEP Team may work together more effectively and efficiently to create an IEP that benefits the child and is supported by all IEP Team members
- Keeps decision-making with the IEP Team members who know the child best
- Helps resolve disagreements more quickly than other dispute resolution processes

8. If the facilitated IEP Team meeting does not resolve my issues, can I pursue other remedies?

Yes. You have not forfeited your rights to other forms of dispute resolution such as seeking mediation, filing a formal complaint, or requesting a due process hearing. At times, the issues, disagreements, or problems may not be resolved through a facilitated IEP Team meeting.

Mediation

9. Are discussions that occur in mediation confidential?

Yes. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or District Court. Whether the mediation agreement should include a statement setting out this confidentiality requirement is not specifically addressed by the regulations.

10. Can attorneys participate in special education mediations?

Attorneys are allowed to participate in special education mediations. Most of the time, the presence of attorneys is discussed prior to the actual mediation, so neither party should be surprised. Because mediation is a voluntary process, any party that objects to the presence of an attorney may withdraw from the mediation.

11. What is the role of the mediator?

Once the mediator is assigned, the mediator makes the mediation session arrangements, conducts and facilitates the mediation, writes or assists in writing the agreement reached, assures that all copies are signed and given to both parties, and informs parties of their options if an agreement is not reached. If issues cannot be resolved, the mediator will declare that an impasse has been reached, and the mediation will be terminated. Mediators use a variety of techniques to structure the mediation. The mediator helps the parent and LEA representative(s) clarify the issues in disagreement and find solutions that are satisfactory to both parties.

12. How long does mediation take?

Many mediation sessions have been successfully completed in half a day. The mediator will determine whether progress is being made or whether additional time is needed to reach a resolution.

Formal Complaints

13. May the GaDOE complaint procedures, including the remedies, address the problem of a group of children?

The GaDOE is required to resolve any legitimate complaint, including a systemic complaint alleging an IDEA violation or state special education rule violation with regard to a group of children with disabilities. If the LEA is not in compliance, it will be required to correct the noncompliance, and the GaDOE will verify the correction.

14. May a complaint be filed with the GaDOE over an alleged violation that occurred more than one year prior to the date of the complaint?

No, the regulations at 34 C.F.R. § 300.153(c) and Georgia Rule 160-4-7-.12 Dispute Resolution stipulate that a complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.

15. Can an issue that is the matter of a formal complaint also be the subject of a due process complaint requesting a due process hearing?

Yes. An issue in a formal complaint can also be the subject of a due process complaint requesting a due process hearing, as long as the issue relates to a matter regarding the

identification, evaluation, or educational placement of a child with a disability, or the provision of a FAPE to the child, as described in 34 C.F.R. § 300.507(a)(1) or to a disciplinary matter as described in 34 C.F.R. §§300.530-300.532. If a due process complaint is filed on an issue that is also the subject of a pending State complaint, the State must set aside any part of the State complaint that is being addressed in the due process hearing until the hearing officer issues a final decision. However, any issue in the State complaint that is not part of the due process action must be resolved using the 60-day time limit and procedures described in 34 C.F.R. § 300.152(a) and (b).34 C.F.R. § 300.152(c)(1).

16. May a formal complaint be filed on an issue that was previously decided in a due process hearing?

Under 34 C.F.R. § 300.152(c)(2)(i), if a hearing officer has previously ruled on an issue at a due process hearing involving the same parties, the decision is binding on that issue. If a formal complaint involving the same parties is filed on the same issue that was previously decided by the hearing officer, the GaDOE must inform the complainant that the hearing decision is binding on that issue. [34 C.F.R. §300.152(c)(2)(ii)] However, the GaDOE must use its formal complaint resolution procedures to resolve any issue in the complaint that was not decided in the due process hearing. In determining that it will not resolve an issue in a formal complaint because that issue was previously decided in a due process hearing, the GaDOE must ensure that the legal and factual issues are identical. If a due process hearing was dismissed strictly on procedural grounds and the administrative law judge does not make findings or reach a decision on the merits of the issues, the GaDOE is not relieved of its responsibility to resolve those issues if raised in a formal complaint.

17. Is the LEA required to provide a copy of its response to a formal complaint to a third-party complainant?

The LEA is not required to provide a copy of its response and subsequent communications to a third-party complainant. If a complaint is filed by an organization or individual other than the parent, parental consent must be obtained before an LEA or SEA may provide personally identifiable information about a child to a non-parent complainant as part of the complaint decision. See 34 C.F.R. § 99.30 and 300.622.

18. May the 60-day timeline for findings of compliance or noncompliance by the GaDOE be extended?

Yes. An extension of the 60 calendar-day time limit for resolution may be made by the GaDOE only when exceptional circumstances exist with respect to a particular complaint or if the complainant and the LEA involved agree to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution. [34 C.F.R. § 300.152(b)]

19. May the filing party withdraw the formal complaint?

Yes. The filing party may submit a request to withdraw the formal complaint to the GaDOE at any time during the 60-day timeline.

20. If the complainant is a party other than the parent, may parties use the mediation process to attempt to resolve the issue(s) in the formal complaint?

The regulations and rules require the GaDOE to offer the parent and the public agency the opportunity to engage in mediation voluntarily to resolve the issues in a GaDOE complaint. The regulations do not require GaDOE to provide mediation when an organization or individual other than the child's parent files a GaDOE complaint.

21. Can I appeal the written decision from the GaDOE that addresses each allegation in the complaint?

All decisions arising from the formal complaint process are final, and there is no appeal or reconsideration process. However, parties may request a due process hearing to address the same allegations that were raised and decided in the formal complaint process if those allegations are related to the identification, evaluation, educational placement or provision of free appropriate public education.

Due Process Hearings

22. What happens if a parent files a due process complaint with the LEA but does not forward a copy of the due process complaint to the GaDOE? When does the the timeline for convening a resolution meeting begin?

The filing party is responsible for sending a copy of the due process hearing request to the GaDOE. However, the timeline for convening a resolution meeting begins on the day the ECSD receives the request.

23. If a due process complaint is amended and the 15-day timeline to conduct a resolution meeting starts over, must the LEA conduct another resolution meeting?

Yes. The complaint can be amended only if the parties mutually agree in writing to the amendment and are given the opportunity for a resolution meeting, or the hearing officer grants permission to amend the complaint at any time not later than five days before the due process hearing begins. This process ensures that the parties involved understand and agree on the nature of the complaint before the hearing begins. When a due process complaint is amended, the timelines for the resolution meeting and the time period for resolving the complaint begin again with the filing of the amended due process complaint.

Chapter 12 Private Schools

State Rule: 160-4-7-.13

ECSD/LEA Privately Placed or Referred Students

When the IEP Team decides that the most appropriate placement for a child is in a private school, ECSD (that places the child in the private school) continues to be responsible for making sure that the child receives the special education and related services included in the child's IEP and that those services are provided at no cost to the parent. ECSD should make sure that the education provided at the private school meets the standards that apply to other children with disabilities and that the child and parent continue to have all the same rights that other children with disabilities and their parents have.

ECSD should monitor compliance with the IDEA for these children through procedures such as written reports, on-site visits, and parent surveys. Ultimately, ECSD remains responsible for ensuring a FAPE is provided when a child is placed in a private school by ECSD. ECSD may apply for reimbursement grants if specific criteria are met.

ECSD may apply for the state Residential and Reintegration Grant if the child is placed in a private residential facility that is approved by GaDOE or if the child is reintegrating from a private residential facility. If the private residential facility is out of the state, the facility must be on the approved list of the state where the facility is located.

ECSD may also apply for the High Cost Grant to receive federal funds for exceptionally costly students. If ECSD does not receive grant funding, ECSD still has the obligation to provide the necessary education in a private setting at no cost to the parent.

Parental Placement in Private School and ECSD's Offer of FAPE

Parents have the right to enroll their child in a private school of their choice; however, they are not guaranteed the same rights as eligible children enrolled in public school or when placed in private school by ECSD.

Provision of Written Notice by Parent to Place in Private School

Sometimes an LEA (ECSD) will make FAPE available to a child but the child's parent decides to place the child in a private school or facility. The LEA is not required to pay for the cost of the education for this child at the private school. When the LEA and the parent disagree regarding the availability of an appropriate program for the child in the LEA, due process hearing procedures may be initiated by the parent.

Reimbursement and Limitations on Reimbursement for Private School Placement

Through a due process hearing, an ALJ may find that ECSD had not made FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost of the private school placement. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or ECSD.

When FAPE is at issue between the parent and the LEA, and the parent determines that he or she is going to place the child in a private school at public expense, the parent must notify the LEA in writing at least 10 business days prior to the removal of the child or at an IEP Team meeting prior to the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced or denied by the ALJ. The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the LEA prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English, or the notice requirement would result in serious emotional or physical harm to the child. See 34 C.F.R. § 300.148(e).

Home Schooled Students

In Georgia, children who are home-schooled within the boundaries of ECSD are considered parentally-placed private school children for the purposes of special education.

A Service Plan may be developed and implemented for each private/homeschool child with disabilities who will receive services from the ECSD. ECSD will initiate and conduct the meetings to develop, review, and revise a service plan at least annually. ECSD will ensure that a representative of the private school or homeschool is invited to each meeting.

Child Find Process and Children in Private Schools (See Chapter on Child Find for additional information)

ECSD is required to carry out Child Find activities to locate, identify, and evaluate children attending the private/home schools within the jurisdiction of ECSD. Child Find activities for private/home school students are similar to activities for the children enrolled in ECSD and are completed in a time period comparable to that for other children enrolled in the ECSD. Child Find activities may include any parentally-placed private school children who attend a private school within the jurisdiction of ECSD, even if the child resides in a different LEA or in a state other than Georgia. See 34 C.F.R. § 300.131(a).

Parents or guardians of children with suspected disabilities and/or private schools can access MTSS and should contact the ECSD Director of Exceptional students for assistance in the process. ECSD may request help from the private school in collecting information regarding strategies and interventions that have been implemented at the private school. If a recommendation for an evaluation is requested, ECSD will complete the evaluation and eligibility according to the State of Georgia guidelines. The parent or guardian and/or private school teachers are directly involved in the decisions to proceed with a referral. The private school representatives as well as the parents will be invited to all evaluation, eligibility, and IEP meetings conducted for the student by ECSD.

Part B and Related Services for Private School Students

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 the LEA. See 34 C.F.R. § 300.137(a). However, ECSD has an obligation to provide parentally-placed private school children an opportunity for equitable participation to receive services funded with Federal IDEA Part B dollars that ECSD has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services

than children in public schools. Some children will not receive any services. ECSD will make the final decisions regarding services to be provided prior to the start of the school year.

Provision of IEPs and Service Plans to Privately Placed Students

The Service Plan should include a statement of the special education and related services, and supplemental aids and services, to be provided to the student. The Service Plan should be developed, reviewed, and revised periodically, but no less than annually, in accordance with IEP requirements in Georgia Rules. The services provided to private school students are provided by qualified district personnel or contracted service providers.

Consultation With Private School for Child Count

Annual Timely and Meaningful Consultation is a meeting held to discuss Child Find procedures with private and homeschool representatives in Effingham County. See 34 C.F.R. § 300.134(a). This consultation process should be timely and meaningful. More than one timely and meaningful consultation may be needed to fully meet the requirement.

Consultation requirements should include a description of the following:

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

ECSD obtains a written Private/Home School Participation and Private School Affirmation signed by the representatives of the participating private school, or homeschool, as documentation of the consultation process and submits this documentation to the GaDOE upon request. See 34 C.F.R. § 300.135. If the private school officials believe that the ECSD did not engage in the consultation in a meaningful or timely manner or did not consider the views of the private school officials, it may submit a complaint through the Formal Complaint Process to the GaDOE (See Dispute Resolution for more information). If the private school is not satisfied with the decision of the GaDOE, they may submit the complaint to the United States Department of Education.

Private School Representatives at IEPs

The private school representatives as well as the parents will be invited to all evaluation, eligibility, and IEP meetings conducted for the student by ECSD.

Equitable Services Determination and Limitations of Service

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 ECSD. See 34 C.F.R. § 300.137(a). However, ECSD has an obligation to provide parentally-placed private school children an opportunity for equitable participation to receive services funded with Federal IDEA Part B dollars that ECSD has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. ECSD will make the final decisions regarding services to be provided prior to the start of the school year. The services provided are reviewed annually at the District stakeholder's timely and meaningful consultation meeting(s). For all students evaluated and found eligible for special education services, whether the referral was initiated within ECSD or from a private/homeschool entity, a meeting is held to determine if the parents would like to receive services through ECSD. If the student is eligible for services through Proportionate Share funding, a Service Plan will be developed for that student.

Materials Provision: Secular, Neutral, Non-Ideological

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

Location of Services and Transportation

Services may be provided at the private school, or the student's public zone school, or public school nearest the private school, virtually, or in a community setting. If necessary for the child to benefit from or participate in services, transportation should be provided by ECSD, but ECSD is not required to transport the child from their home to the private school. Transportation costs will be included in calculating whether ECSD has met the requirements of proportionate funding.

Provision of Property, Equipment, and Supplies to Private Schools

ECSD may provide materials, equipment, and property purchased to implement the services to children with disabilities in the private school. These should be used only for those purposes and should be returned when no longer needed. It is also permissible to use funds for indirect services such as consultation and private school staff training. No funds may be used for repairs, minor remodeling, or construction of private school facilities. ECSD may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school, or the general needs of the children in the private school.

It is the responsibility of the Director of Special Education to monitor Child Find and Equitable Service implementation.

<https://docs.google.com/document/d/1-z602v1IHF0wfp5zS6feg4-ZKhetzxWwwdooHTJrdK8/edit>

Frequently Asked Questions (from GaDOE)

1. What are equitable services?

The regulations state that children with disabilities enrolled in private schools by a parent do not have an individual right to receive some or all of the special education and related services they would receive if enrolled in the public schools. The LEA only has an obligation to provide parentally-placed private school children with disabilities an opportunity for equitable participation in the services funded with Federal Part B dollars that the LEA has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. The consultation process is important to ensure the provision of equitable services, which must be provided in accordance with a services plan.

2. Are LEA charter schools required to provide timely consultation and equitable services for parentally-placed private school children?

No. Traditional LEAs have the responsibility to provide timely consultation and equitable services for parentally-placed private school children residing within their jurisdiction. LEA charter schools have the responsibility to provide special education and related services to children enrolled in their LEA charter schools.

3. How often must a services plan be written?

A services plan must be in effect for eligible children when the school year begins. The services plan must be reviewed periodically, not less than annually, to determine whether the annual goals for a child are being achieved, and must be revised as appropriate.

4. Does the LEA where the private school is located have an obligation to make an offer of a FAPE?

The LEA where a child attends private school is responsible for ensuring Child Find and equitable participation. If a parentally placed private school child also resides within the jurisdiction of that LEA, then the LEA is responsible for making a FAPE available to the child. If the child resides within the jurisdiction of a different LEA, the LEA where the private school is located is not responsible for offering a FAPE to that child.

5. Can the LEA where the private school is located require another LEA to pay for the services of a parentally-placed private school child with a disability from another state?

No. Out-of-state children with disabilities enrolled in a private school within the LEA must be included in the group of parentally-placed children with disabilities whose needs are considered in determining who will be served and the types and amounts of services to be provided through a services plan.

6. Can a parent request evaluations from the LEA where the private school is located as well as the LEA where the child resides?

Yes. A parent could request that different LEAs evaluate his or her parentally placed private school child if the child is attending a private school that is not in the jurisdiction of the LEA in which the child resides. The LEA where the child resides has the responsibility to provide a FAPE to the child, while the LEA where the private school is located has the responsibility to ensure equitable participation (also called proportionate share services or equitable services). Parents are not encouraged to ask two different

LEAs to evaluate their child for different purposes at the same time. The United States Department of Education, Office of Special Education Programs (OSEP) states that “subjecting a child to repeated testing by separate LEAs in close proximity of time may not be the most effective or desirable way to ensure that the evaluations are meaningful measures of whether a child has a disability, or of obtaining an appropriate assessment of the child’s educational needs.” See Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, Question and Answer B-4, U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), April 2011.

7. What are the LEA’s responsibilities for reevaluations of parentally placed private school children?

The LEA where the private school is located is responsible for conducting reevaluations of children with disabilities enrolled by their parents in private schools located within the jurisdiction of the LEA. Reevaluations must be conducted in accordance with IDEA and Georgia Rules. See Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, Question and Answer B-8, U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), April 2011.

8. What is the Georgia Special Needs Scholarship (GSNS) Program? What are the LEA’s responsibilities for children receiving the GSNS? The GSNS Program is a parental choice program for special needs children attending Georgia public schools who are served under an IEP. If a child meets the eligibility criteria for the GSNS Program, parents have the right to request a transfer from a child’s current public school to: (1) another public school within their school system; (2) another public school outside of their school system; (3) one of the three state schools for the blind or deaf; or (4) a private school authorized to participate in the GSNS program. More Information about the GSNS Program can be found at: [Georgia Special Needs Scholarship – Georgia Department of Education](#)

9. If a student accepts the Georgia Special Needs Scholarship (GSNS) to attend a private school, does the private school have to follow the student’s IEP?

No. A parent’s acceptance of the scholarship has the same effect as a parental refusal to consent to special education and related services under the IDEA. A participating private school is not required to follow a child’s IEP nor is it required to provide special education services to a child. However, the LEA in which a private school is located must consider a student participating in the GSNS Program for receipt of proportionate share if the child enrolls in a private school within the LEA’s jurisdiction.

Chapter 13 Personnel, Facilities, and Caseloads

State Rule: 160-4-7-.14

Maintenance of Credentials for Professional Employees

Maintenance of current credentials is the ongoing responsibility of any professional employed by ECSD. Maintenance of records of current credentials shall be the responsibility of ECSD.

The school system will recruit, hire, train, and retain an adequate supply of highly qualified personnel, including special education, related services, and leadership personnel to meet the needs of children with disabilities. [34 C.F.R. § 300. 156(d)]

Related service personnel who deliver services in their discipline or profession must maintain current, State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis. [34 C.F.R. § 300. 156(b)(2)]

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

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

Classroom Size and Appropriateness

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

Thirty-eight square feet shall be provided for each child in the class with a variance of 10 percent depending upon the total number of personnel in the class at any time, the type of children and class, the kind and amount of furniture and equipment required and the necessity

for storage capabilities. Special circumstances shall be reviewed by the Facilities Department of the GaDOE and shall be addressed in the approved local facility plan.

Maximum Class Size and Caseload by Eligibility Category

Information about caseloads for children with disabilities is in the chart below.

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

PROGRAM AREA	DELIVERY		MAXIMUM CLASS SIZE		CASE-LOAD
	Self-contained (SC)	Resource (R)	W/O Para	With Para*	
INTELLECTUAL DISABILITIES					
Mild	SC		10	13	14
	R		10	13	26
Moderate	SC		NA	11	11
Severe	SC		NA	7	7
Profound	SC		NA	6	6
EMOTIONAL AND BEHAVIORAL DISORDERS	SC		8	11	12
	R		7	10	26
SPECIFIC LEARNING DISABILITIES	SC		12	16	16
	R		8	10	26
VISUAL IMPAIRMENTS	SC		NA	6	7
	R		3	4	13
DEAF/HARD OF HEARING	SC		6	8	8
	R		3	4	11
DEAF-BLIND	SC		NA	6	7
SPEECH-LANGUAGE IMPAIRMENTS	SC		11	15	15
	R		7	NA	55
ORTHOPEDIC IMPAIRMENTS	SC		NA	11	11
	R		4	5	15

See Rule 160-5-1-.08 (Class Size) for specifics

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

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

The Director of Special Education works closely with the department of Human Resources regarding adherence to this state board rule as it applies to appropriate credentialing of our employees who work with students with special needs.

Chapter 14 Georgia Network for Educational and Therapeutic Support (GNETS)

State Rule: 160-4-7-.15

GNETS Purpose and Services

ECSD does not participate in the GNETS program. When an IEP team determines that a student's LRE is a separate school setting to support social, emotional, and/or behavioral needs, enCompass Academy should be considered.

Consideration for GNETS Services

ECSD does not participate in the GNETS program. When an IEP team determines that a student's LRE is a separate school setting to support social, emotional, and/or behavioral needs, enCompass Academy should be considered.

Continuum of GNETS Service Delivery and Environments

ECSD does not participate in the GNETS program. When an IEP team determines that a student's LRE is a separate school setting to support social, emotional, and/or behavioral needs, enCompass Academy should be considered.

LEA Duties and Responsibilities

1. Case Managers who have students displaying emotional and/or behavioral concerns should make a referral for a behavior observation from one of the District Behavior Specialists.
2. A FBA should have been completed within the last year and the student should have a BIP. Students who exhibit severe emotional and behavioral deficits should have targeted interventions in place to address their emotional/behavioral needs.
3. Data should be collected on the interventions that have been implemented with fidelity.
4. Students should have an updated psychological evaluation within the past 3 years.
5. When a school determines that an enCompass may be an appropriate placement for a student, the case manager/school administration should contact the Program Manager. The Program Manager will contact EnCompass and share data.
6. Program Manager will schedule placement IEP meetings with enCompass and invite appropriate team members. This meeting will be held at enCompass. Home school will be responsible for providing a regular education teacher.
7. Current case manager is responsible for the parent notification of the meeting and IEP draft for the enCompass meeting. They are also responsible for completing the IEP after the meeting.
8. If the IEP team agrees that separate school placement is LRE, the team should develop exit criteria specific to the student and place this in the minutes section of the IEP. Develop IEP goals directly related to the needs area.
9. If the team agrees that separate school placement at enCompass is LRE, a new case manager at enCompass will be assigned.
10. The student's home school should attend all future meetings and continue to provide a regular education teacher for each IEP meeting.

For additional information, please contact the Director of Exceptional Students. You may also refer to the GaDOE Special Education Rules Manual for specific information about Georgia Rule 160-4.7.13.