CHATTOOGA COUNTY SPECIAL EDUCATION DEPARTMENT

July 2025

Policy and Procedures Handbook

The Chattooga County School District does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability in its programs, activities, or employment practices.

TABLE of CONTENTS:

Introduction 3
Contact Information 3
Section 1: Identification Process 3
Child Find Procedures 3
Private and Homeschools 4
Evaluation/Reevaluations 9
Eligibility 9
Eligibility Determination and Categories of Eligibility Definitions 15
Determination of Eligibility 17
Confidentiality of Personally Identifiable Information 19
Maintaining of Special Education Records 19
Access Rights and Required Procedures 20
Amendments to Records at Parents Request/Results of Hearing 20
Parental Consent 20
Section 2 Supports & Services 21
Individual Education Plan (IEP) 21
Scheduling and Meeting Notices 21
IEP Annual Reviews 24
Sample IEP Meeting Agenda 25
IEP Compliance Checklist 26
Transition Service Plan 28
IEP Goals & Objectives 28
Helpful Hints 30
Student Supports 30
Assessment Determination 31
Services 31
Extended School Year 32
Signatures 33
Copies/Notes/Disputes/Amendments 33
Related Services/Speech/OT-PT/Transportation 33
Hospital Homebound 34
Assistive Technology 36
Section 3 Discipline 38
Discipline Process/Rule 38
Manifestation Determination 39
Section 4 Progress Monitoring/Progress Reports 42

Section 5 Parent Engagement 43
Parent Participation 43
Complaint Resolution and Dispute Resolution 44
Section 6 College/Career Readiness 44
Transition Service Plan 44
Transition Checklist Go-IEP 45
Section 7 Local Expectations for Special Education Teachers 45
IEP Procedures 45
Progress Reports 46
Functional Behavior Assessments/Behavior Plans 46 FTE Procedures 46
Section 8 Free Appropriate Public Education 47
Exceptions to FAPE for Certain 47
Delay of Services 48
Public Insurance of Benefits 48
Residential Placement 48
Accessible Instruction Materials 48
Assistive Technology 48
Extended School Year Services 49
Nonacademic Services 49
Physical Education 49
Charter Schools 49
Program Options 49
Routine Checking of Hearing Aids/Other Components 49
Prohibition on Mandatory Medication 50
Section 9 Least Restrictive Environment 50
Determining Educational Placements 50
Continuum of Alternative Placements 50
Nonacademic Settings 51
Section 10 Procedural Safeguards/Parent Rights 51
Parent Opportunity to Examine Records 52
Parental Participation in Meetings 52
Independent Educational Evaluation 52
Consent 52
Parent Refusal/Consent 53
Consent not Required 53
Revocation of Consent 53
Parental Training and Awareness 53
Section 11 Surrogate Parent 53
Section 12 Personnel, Facilities and Caseloads 54

INTRODUCTION

The purpose of this manual is to provide special education procedural guidance for school personnel in Chattooga County Schools. This manual outlines specific information and procedures that apply to Chattooga County Schools and is aligned with the **Rules and Regulations of the State of Georgia: Special Education**. Every component of every rule is not listed here. All personnel are responsible for reading the state rules for a thorough understanding:
http://rules.sos.state.ga.us/pages/GEORGIA_DEPARTMENT_OF_EDUCATION/SPECIAL_EDUCATION
This guide is intended to assist in the local implementation of IDEA, its regulations, and the Rules and Regulations of the State of Georgia. It is not intended to state new law or supplant any federal or state laws, regulations, or requirements. If any school personnel have questions regarding the implementation of special education procedures as they relate to specific cases, please contact the Chattooga County Schools School Psychologist or Special Education Director. Annual reviews and updates of this manual will be conducted by the Special Education Director and reviewed with Chattooga County personnel at the beginning of each school year.

Chattooga County Schools Special Education Contact Information
Specific questions and concerns regarding the content of this manual may be directed to the Chattooga County Schools Special Education Office:

Main Office: 706-822-9902
Special Education Director: Kelli Johnson ext. 2800, e-mail: kjohnson@chattooga.k12.ga.us
Special Education Admin Assistant: Crystal Elrod ext. 2802, e-mail: celrod@chattooga.k12.ga.us
School Psychologist: Andrea Riley ext. 2803, e-mail: ariley@chattooga.k12.ga.us
Receptionist/Secretary: Amy Price, ext. 2801, e-mail: aprice@chattooga.k12.ga.us
Parent Coordinator: Ashla Wilson, ext. 2804, e-mail: awilson@chattooga.k12.ga.us

SECTION 1: IDENTIFICATION PROCESS

Chattooga County Schools will implement procedures and practices to ensure that ALL students suspected of having a disability receive a special education evaluation and services, if appropriate. The following sections include procedures related to (1) Child Find and (2) Evaluations and Reevaluations, and (3) Confidentiality.

CHILD FIND PROCEDURES
(ALIGNED WITH STATE RULE 160-4-7-.03)

Child Find is a process that Chattooga County Schools uses to identify, locate, and evaluate all children in the district, birth through 21, who are suspected of having disabilities, including those who are homeless, highly mobile including migrant children, enrolled in home school/study programs, are wards of the State or are attending private schools, regardless of the severity of their disability, and who are in need for special education and related services. Georgia State Rule 160-4-7-.03 requires that districts have policies and procedures in place to ensure the identification, location, and evaluation of these children.

Public Notice of Annual Child Find Activity
The Special Education Director will provide annual public notification in the following print and electronic sources:

- Chattooga County Schools Website – www.chattooga.k12.ga.us - year round
- Chattooga County Schools Student Handbook – updated yearly
- Child-Find Brochures in local daycare facilities, doctor offices and county jail.
- Child-Find Ad in local paper twice a year.

Screening and Evaluation of All Children with Suspected Disability Ages 3-21
The following policies and procedures are followed to ensure the identification, screening and evaluation of children with suspected disabilities birth through age 21 includes: The screening of children to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Children birth through age three:
When a child who is birth through age three suspected of having disabilities is identified through any Child Find activities (e.g. parent-teacher conference, community referral, migrant program, local health department, DFACS). The Special Education Director should be notified so that an appropriate referral may be made to **Babies Can't Wait** for screening and evaluation. Chattooga County Special Education Director will participate in Babies Can't Wait Transition meetings to ensure a special education evaluation, eligibility, and IEP are in place by the child's third birthday.

Preschool children, ages 3-5:
The following activities shall be conducted to identify preschool children ages 3-5 suspected as having disabilities: Chattooga County School Pre-Kindergarten Program (Bright from the Start) will participate in Response to Intervention as part of Chattooga County Schools. Chattooga County Schools Speech/Language Pathologists conduct Universal Screenings at Chattooga County School System PreK Programs. Written notices are provided in the community to include private preschools the Chattooga County Health Department, and physician offices. Referral forms can be obtained by contacting the Special Education Office.

Children enrolled in Chattooga County Schools and public charter schools:
Children currently enrolled in Chattooga County Schools will be identified through MTSS and parent referral. Please refer to the RTI Manual. Chattooga County does not have a charter school, but child find would apply to children enrolled in the LEA schools including any future public charter schools.

Children who are detained or incarcerated in correctional facilities:
Child-Find brochures will be given to the facility with appropriate contact information so that any child suspected of having a disability can be referred to the Special Education Director or School Psychologist.

PRIVATE AND HOME SCHOOLS
(STATE BOARD RULE: 160-4-7-.13-PRIVATE SCHOOLS)

The Chattooga County School System is responsible for the identification, location, and evaluation of all children with disabilities, birth through 21, residing in Chattooga County School District. The system follows federal and state law and regulations.

Public school systems are required to consult with appropriate representatives of eligible private and home schools to determine which students will receive services, what services will be provided, how and where services will be provided, and how services will be evaluated. Yearly meetings will be scheduled with

representatives of private schools physically located in Chattooga County School District and home school representatives and the parents of students with disabilities who are home schooled and reside in Chattooga County Schools District attendance area. LEA shall consult with representatives of private school children in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.

Child Find Process

Explanation of the Federal requirement for expenditure of a proportionate share of Federal Funds including an estimate.

Explanation of ongoing consultation

Discussion of the participants' needs

Explanation of how the final decision will be made and be communicated to the private schools and home school representatives and parents

Child Find for Students Placed by Parents in Home Schools Located Within the Chattooga County School District

Preschool students follow the procedures described under preschool referrals.

Procedures for Home Schools:

The Special Education Department will contact the parents to discuss the concerns and set up a meeting after a verbal or written referral is made.

Parents will receive the Home School Referral to Special Education

Parents should bring the completed referral, works samples, medical and psychological reports (if any) and any other relevant data.

A special education teacher will provide screening. The results will be reviewed in a meeting. If the decision is made to evaluate the child through the special education department, a Consent to Evaluate will be signed by the parent. The 60-day time-line begins on this day.

After the completion of all reports, an eligibility meeting will be scheduled. If it is determined that a student meets the eligibility requirements, and IEP will be offered for delivery in the public school in the student's attendance area. If the parent chooses to not enroll their child in our school, then an ISP will be offered based on the individual needs of the student including any related services which may be needed.

Service Plans

A service plan will be developed and implemented for each private school child with disabilities who will receive services from the district. The district will initiate and conduct meetings to develop, review, and revise a services plan at least annually. The district will provide all materials needed to implement the service plan.

It will ensure that a representative of the private school attends each meeting. As with IEPs, in-person participation in the meeting is encouraged, but participation may be through conference call or other means.

Service Plans must:

- Contain a statement of the special education and related services, and supplementary aids and services, to be provided to the child;
- Be in effect at the beginning of each year; and
- Be developed, reviewed, and revised periodically, but no less than annually, in accordance with IEP requirements in Georgia Rules.

Procedures for Private Schools:
Private schools should complete in-house assessments prior to a referral to special education. Chattooga County Schools will provide assessment materials. The materials can be checked out from the Special Education Department at the Chattooga County Education Center.

Private schools should complete the referral and mail or fax to:

Chattooga County School
Special Education Department
206 Penn St.
Summerville, GA 30747
Attn: Kelli Johnson
FAX: 706-882-9906

Kelli Johnson will arrange for a meeting with the private school officials, Parents, and officials from the special education department. During this meeting the assessment information will be reviewed. If further assessment is need, a Consent for Evaluation will be signed by the parent.

After all assessments have been completed, an eligibility meeting will be scheduled. If it is determined the student meets the criteria, an IEP will be offered for delivery in the public school in the student's attendance area. If the student meets the criteria for the services and the parent does not wish to enroll the child in Chattooga County Schools, then a Service Plan will be offered based on the individual needs of the student including any related services that may be needed.

Students with Disabilities Parentally Placed in Private and Home Schools Located within the Chattooga County School District Boundaries:
Parentally placed private school students are those students with identified disabilities placed by their parents in a private school when a free, appropriate public education (FAPE) is not an issue. Home school students with disabilities are considered private school students for the purpose of special education services in Georgia. FAPE is not an issue when the parent does not dispute the Individual Education Program (IEP) developed by the public school system. A parentally placed private school student or home school student with a disability has no individual right to receive some or all of the special education and related services the student would receive if enrolled in a public school.

When the special education department becomes aware that the student has left Chattooga County Schools to attend home school or private school, a letter will be mailed to the parents to offer to schedule an IEP meeting to discuss the needs of the student. The letter will list options that are available including: 1) a return to public school with an IEP, 2) an ISP in the home or private school based on the individual needs of the student.

If parents respond to the letter, the meeting will be convened, and services will be determined.

If the child continues to stay in private school, the file will be maintained in the Private/Home school district file. Yearly, parents will be sent a letter offering to discuss services.

Eight months prior to the expiration of eligibility, a reevaluation data review meeting will be scheduled, and parents will be mailed a letter. If parents do not respond or attend the meeting, the IEP team will determine if there is adequate data available and has been reviewed to determine continued eligibility.

Children with Disabilities in Private Schools Placed or Referred by Chattooga County Schools:
Chattooga County Schools system ensures that a child with a disability who is placed or referred to a private school or facility by the school system as a means of providing special education and related services is provided special education and related services per the IEP:

- At no cost to the parents
- Is provided an education that meets the standards that apply to education provided by the Georgia Department of Education and Chattooga County Schools
- Has all the rights of a child with a disability who is served by Chattooga County.

The Georgia Department of Education shall

- Monitor compliance of services for these children such as written reports, on-site visits and parent surveys
- Disseminate copies of state standards to each private school and facility to which Chattooga County has referred or placed a child with a disability
- Monitor that the child has all of the rights of a child with a disability who is served by Chattooga County.

Placement of Children by parents when FAPE is at Issue
If the Chattooga County Schools System made FAPE available to a child and the student's parents or the student 18 years of age or older elected to place the child in private school or facility, the parent/student must notify the district in writing at least 10 days prior to the removal of the student or at an IEP meeting prior to the removal. If the parent does not provide the notice, then Chattooga School System is not required to pay for the cost of the education, including special education and related services for the child. Disagreements regarding the availability of a program appropriate for the child or concerning the question of financial responsibility are subject to the procedural safeguards provided in the State Board of Education Rule 160-4-709

Reimbursement for Private School Placement
If the parent of a child with a disability, who previously received special education and related services in the Chattooga County Schools, enroll the child in a private preschool, elementary school or secondary school without the consent of or referral by the Chattooga County Schools, a court or an administrative law judge (ALJ) may require that the system reimburse the parents for the cost of that enrollment if the court or ALJ finds that the system did not make FAPE available to the child in a timely manner prior to that enrollment and that the private school placement is appropriate. A parental placement may be found to be appropriate by an ALJ or a court even it if does not meet the state standards that apply to education proved by the state or system. The cost of reimbursement described above may be reduced or denied if:

- At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the system, the parents did not inform the IEP team that they rejected the placement proposed by the system to provide FAPE to their child and did not state their concerns or their intendent to enroll the child in a private school at public expense**. If parents were to express this concern, contact the special education director immediately.**
- At least 10 business days prior to the removal of the child from the system, the parent did not give written notice to the system, that they were rejecting the placement proposed by the system to provide FAPE to the child and did not state their concerns or their intent to enroll the child in a private school at public expense. **If parents were to send written notice, contact the special education director immediately.**

- If, prior to the parent's removal of the child from the Chattooga County School System, the system informed the parents through notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation
- Upon a judicial finding of unreasonableness with respect to actions taken by the parents

The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the Chattooga County Schools as described above, if:

- The school prevented the parents from providing the notice
- The parents had not been provided a copy of the parent's rights under IDEA and, therefore, had not been notified of the requirements to provide the notice as described above
- The provision would likely result in physical harm to the child

The cost of reimbursement may, in the discretion of the court or ALJ, not be reduced or denied for a parent's failure to provide the notice to the system described above, if:

- The parents are not literate or cannot write in English
- The provision of notice would likely result in serious emotional harm to the child

Each LEA must maintain its records and provide to the GaDOE, the following information related to parentally placed private school children: (i) The number of children evaluated; (ii) The number of children determined to be children with disabilities; and (iii) The number of children served.

For children ages 3-21, the LEA must expend an amount that is the same proportion of the LEA's total Part B of IDEA flow through funding as the number of private school children with disabilities, ages 3-21, residing in its jurisdiction is to the total number of children with disabilities, ages 3-21, in its jurisdiction; and for children ages 3-5, the L EA must expend an amount that is the same proportion of the LEA's IDEA preschool funding as the number of private school children with disabilities, ages 3-5, residing in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction. (i) Children ages 3-5 are considered to be parentally placed private school children when they are enrolled by their parents in a private school that meets the definition of elementary school to include having a kindergarten program.

Materials Provision

Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment must be secular, neutral, and nonideological.

Location of Services and Transportation

Services provided to private school children with disabilities may be provided on site at the child's private school, including a religious school, to the extent consistent with law. The private school children with disabilities must be provided transportation according to the following: (i) From the child's school or home to a site other than the private school; and (ii) From the services site to the private school, or to the child's home, depending on the timing of the services. (iii) LEAs are not required to provide transportation from the child's home to the private school.

Provision of Property

The LEA must control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment and property purchased with those funds. The LEA may place equipment and supplies in a private school for the period of time needed for the program. The LEA must ensure that the equipment and supplies placed in a private school are used only for special education purposes. The

LEA shall remove equipment and supplies from a private school if they are no longer needed for special education purposes or the removal is necessary to avoid their unauthorized use for other than special education purposes.

Screening

The screening of children by a teacher or specialist to determine appropriate educational strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Documentation of Interventions

Special education referrals must be accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate insufficient rate of progress. Exceptions are allowed only when evaluation and/or placement is required due to a significant disability. (For additional guidelines, see Multi-Tiered Student Support Manual). The exception should be an infrequent and rare occurrence, and the circumstances requiring the need for the LEA's use of the exception must be clearly documented in the eligibility decision.

Additional Information:

Agencies or community members that would like to refer a child for possible services through Child Find should contact the Special Education Office via the contact information listed previously in this handbook to obtain a referral form.

EVALUATIONS AND RE-EVALUATIONS

(ALIGNED WITH STATE RULE: 160-4-7-.04)

Pre-Referral Interventions

Chattooga County Schools utilizes a Multi-Tiered Student Support 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. School personnel assigned by the system MTSS Coordinator will monitor the fidelity of implementation. School level MTSS teams meet monthly to review student data and progress. If a student does not make adequate grade or age level progress, the student may be referred for a screening/comprehensive evaluation. The MTSS Team is an integral part of the SST process at Tier III. The special education director and the school psychologist should be invited to all monthly school level MTSS meetings. The MTSS Coordinator is responsible for monitoring and supervising the process in Chattooga County Schools.

Referral Sources

Referrals for initial evaluations can be made through a variety of sources including: Babies Can't Wait, MTSS/SST, Child Find activities, parents, and crisis situations (extreme circumstances). Parent requests for evaluation must be in writing to the Special Education Director. If any school system employee receives a request for evaluation from a parent, date it received and forward to contact the Special Education Director immediately.

Student Support Team

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. The SST consists of the referring teacher, MTSS coordinator, and those who may have knowledge of the child or who can assist in meeting the needs of the student. Participants must include at least two of the following individuals: principal, general education teacher, counselor, lead teacher, content area specialist, ESOL teacher, special education teacher, school social worker from the county office. Exceptions to the SST process should be on very rare occasions with documentation in the student record to justify the decision. When immediate referral is sought, the SST should determine the interim strategies, interventions, and accommodations that shall be attempted with the student.

Eligibility

Initial Evaluation Procedures

1. After a student has received interventions, and progress monitoring indicates a lack of adequate progress, the documentation including all data will be presented to the MTSS team at the school.

2. Documentation should be provided in the student's MTSS/SST records of substantial evidence of the need for a referral. Research-based interventions in the areas of identified weaknesses should be documented (academic/behavioral). At a minimum, students who exhibit emotional/behavioral difficulties should have a Behavior Support Plan and/or referral to the school counselor for additional interventions. Students on Tier 3 level of intervention may require a Functional Behavior Assessment and Behavior Intervention Plan in place prior to referral for evaluation. When a referral for special education evaluation is made due to a concern that the child may have a disability and be in need of special education and related services, the comprehensive evaluation will be conducted by a multidisciplinary team. The child should be evaluated in any area which committee members have determined to be an area of weakness. The team is responsible for formally or informally assessing the child in all areas related to a suspected disability. 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).

3. Prior to Special Education Referral, a Social History should be completed by the parent/guardian.

4. If a student is being referred for a suspected disability associated with a medication condition (e.g., ADHD, diabetes, etc.), an Authorization to Release Medical Information form should be obtained. Although a referral for Special Education services will not be rejected solely on the absence of this document, a medical release will be needed prior to an eligibility determination for Other Health Impaired (OHI).

   NOTE: THE RULE ALSO STATES FOR OHI THAT "A MEDICAL DIAGNOSIS DOES NOT AUTOMATICALLY INCLUDE OR EXCLUDE A CHILD FROM DETERMINATION OF ELIGIBILITY."

5. Completed referrals should be sent to the School Psychologist. Teachers will be contacted if additional rating scales/forms are needed for evaluation purposes.

6. Completed referrals will be data/time stamped at the CCBOE on the Initial Referral Log. The School Psychologist will monitor compliance of all initial referrals and notify the Special Education Director of issues such as hearing/vision, inability to obtain completed forms from teachers, and any other issues impeding the referral process.

7. Upon completion of evaluation, the School Psychologist will schedule an eligibility meeting.

8. Upon determination of eligibility, Consent for Placement must be signed by the parent/guardian. Individualized Education Plan (IEP) team members may complete the IEP at this time, but NO LATER than 10 days from the eligibility date.

9. Parent requests for an Independent Evaluation must be completed in writing. A list of accepted evaluators will be provided upon request by the SPED Director.

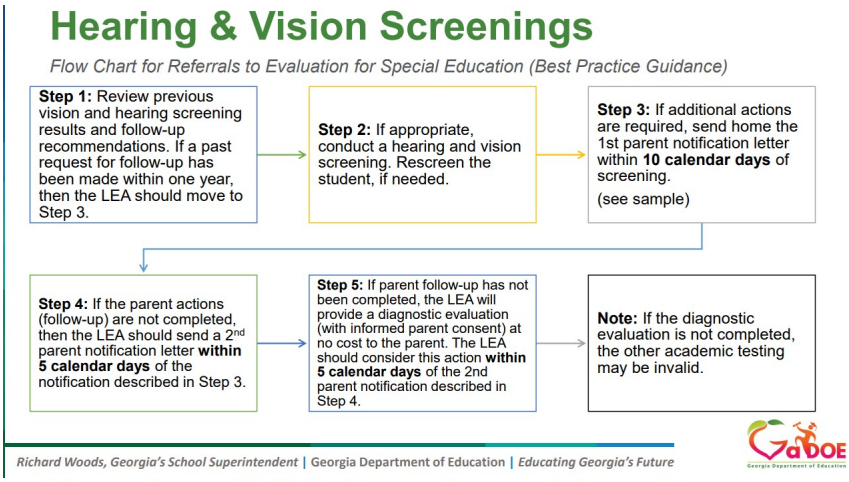
Timelines

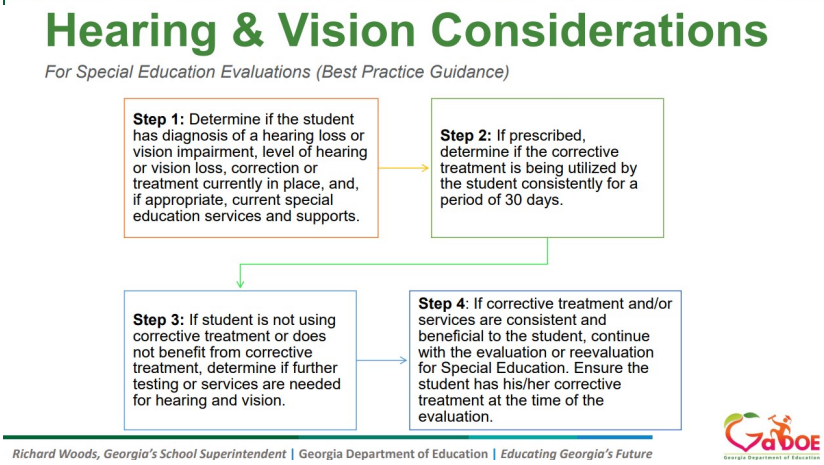
- All initial evaluations must be completed **within 60 CALENDAR days** of receipt of Parent Consent for Evaluation.
- Holiday periods and other circumstances when children are not in attendance for five consecutive school days shall not be counted toward the 60-day timeline, including the weekend days before and after such holiday periods. Any summer vacation period in which the majority of the LEA's teachers are not under contract shall not be included in the 60-day timeline for evaluation. However, the LEA is not prohibited from conducting evaluations over a summer vacation period.
- Consent received 30 days or more prior to the end of the school year must be completed within the 60calendar day evaluation timeframe. **Contact the Special Education Director or School Psychologist in this situation.**

If a student is determined eligible for special education services, the system has 10 days to develop the IEP.

Hearing/Vision:

- Results of hearing and vision screening cannot be older than one calendar year when applied to an evaluation. An evaluation may not proceed until it is documented that the student has an acceptable level of vision and hearing. Therefore, it is best practice to have this completed prior to consent to evaluate being signed by parent.
- If a student does not pass the school system's hearing and/or vision screening, the student must be assessed through an appropriate physician.
- Teachers should notify the Special Education Director of difficulties obtaining medical clearance.





Informed Parent Consent

Written parent consent must be obtained prior to an initial evaluation or reevaluation. **Parent consent is obtained through the special education central office for initial evaluations.** Detailed documentation of attempts to obtain parent consent must be kept (e.g. records of telephone calls and results of those calls, copies of correspondence and any responses received, detailed records of visits made). If the parents refuse to give consent, or fails to respond to a request to provide consent for an evaluation, the school system may, *but is not required to*, pursue the initial evaluation by using mediation and impartial due process hearing procedures provided for in the procedural safeguards. However, the school system may not use the consent override procedures for a student who is home-schooled or placed in a private school by the parents at their own expense.

•

Reevaluations

A reevaluation of each child with a disability is conducted at least once every 3 years, unless the parent and Chattooga County Schools agree that a reevaluation is unnecessary:

1. If the school system determines that the educational or related services needs included improved academic achievement and functional performance of the child warrants a reevaluation; or
2. If the child's parent or teacher requests a reevaluation.

Reevaluation Process to Determine Eligibility Meeting

A Revaluation Data Review meeting will be held for the IEP team to examine all student data (formative and summative) and determine if further evaluation is warranted. The meeting should be conducted prior to 180 school days (6 months/excluding June and July) of expiration to ensure compliance. This meeting should NOT be held any sooner than 12 months prior to the current eligibility expiration data. It is preferable to begin gathering the material listed below at the 12-month mark and then conduct the meeting.

Reevaluation

Reevaluation Data Review meeting can be held at the annual IEP meeting, unless the date of eligibility expires prior to the annual review. The case manager is responsible for reviewing student eligibility to ensure that a student's eligibility does not expire. Case managers have been assigned access in GOIEP to review student record data. This information should be checked upon receipt of caseload at the beginning of the school year.

- Documentation to assist with Reevaluation/Redetermination ○ Classroom observation
  - ○ Data from progress monitoring of IEP goals
  - ○ Structured observation for students with intellectual disabilities ○ Work samples
  - ○ Updated medical recommendation ○ State assessment data (EOGT, EOCT, etc.) ○ District assessment data (Benchmark scores)
  - ○ Behavior rating scales, adaptive behavior scales, etc.… as needed ○ Office referrals ○ Grades
- The meeting should include a discussion of current progress and data, and the IEP team determines if further evaluation is needed.

If no additional assessment is needed:

- Current present levels of performance and progress toward goals are reviewed.
- The committee proceeds with eligibility.
- This decision should be documented on the *Reevaluation Data Review* form. Once this decision is made and the parent indicates agreement, ***the Reevaluation Data Review form must be attached to the most recent eligibility.***

The date of the new eligibility is the date the decision was made not to conduct a reevaluation for eligibility determination. *If the reevaluation determination committee met on 5/1/20 and determined no further information was needed to continue eligibility and services, 5/1/20 is the new eligibility date and the next eligibility is due before 5/1/23.*

If additional assessment is needed:

- The IEP team determines reevaluation is needed and completes the Reevaluation Data Review form.

- The parent or teacher has the right to request a reevaluation for the determination of eligibility even if the committee had concluded that no additional data was needed.
- The parent must sign written consent for evaluation.
  The Case Manager completes the reevaluation packet and sends all required documents to the School Psychologist at least 6 months (excluding June/July) prior to the eligibility due date and NO earlier than twelve months prior to expiration.
- Upon completion of the reevaluation, an eligibility meeting will be scheduled.
- The Case manager is responsible for completing the progress monitoring section of the eligibility form.

Evaluation Procedures

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

- What do I know?
- What do I need to know?
- What else do I need to find out to get a true "real world" picture of the student?
- Who needs to do additional assessments?

In a comprehensive evaluation, the district will:

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

- Information Sources: Evaluations may use but is not limited to the following:
  - Individually administered tests and tools
  - Academic achievement ○ Cognitive ability ○ Social/Emotional/Behavioral
  - Speech/Language
  - Parent/Teacher/Child Questionnaires ○ Social/Emotional/Behavioral ○ Adaptive behavior ○ Parent information and input
  - Teacher input (verbal or written descriptions/analyzed classroom work samples) ○ School wide standardized testing results ○

- Medical information, as appropriate ○ Classroom observations ○ Prior testing done in private settings ○ Prior testing done in other school settings ○ A Behavior Support Plan may also need to be considered.

Eligibility Team
A group of qualified professionals and the parents of the child (Eligibility Team) determines whether the child is a child with a disability and the educational needs of the child; and the LEA provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parents.

Exclusionary Factors
In making a determination of eligibility, a child must not be determined to be a child with a disability: if the determinant factor for that eligibility is lack of appropriate instruction in reading, including the essential components of reading instruction; lack of appropriate instruction in math; or limited English proficiency; and if the child does not otherwise meet the program area eligibility criteria for a child with a disability.

The Special Education Case Manager is responsible for inviting the MTSS/SST/504 Coordinator to the eligibility/discontinuation meeting, as appropriate.

NOTE: If a student has been found ineligible to receive special education services due to discontinuation in that area of exceptionality, he cannot be found eligible for special education services through a new area of exceptionality without the proper documentation of implemented interventions (behavior and or academic) for that area. The Director of Special Education or School Psychologist must review the documentation to determine if it is sufficient for eligibility. The LEA must evaluate a child with a disability before determining that the child is no longer a child with a disability.

Independent Evaluations - Request for an Independent Evaluation
- A parent may request an independent educational evaluation (IEE) only when:
  - The parent has allowed the school system to conduct their own evaluation, and, when the parent disagrees with the results of a completed evaluation done by the school system.

The school system (Director of Special Education) may request an IEE in which the parent must provide written consent.
- Contact Special Education Director if parent requests an IEE.

School system response to parent request:
The school system must either:
- Pay for the independent evaluation, or
- Begin due process procedures to show that the system's evaluation is judged to be sufficient.

How often an IEE may be conducted:
A parent is entitled to only ***one*** independent educational evaluation (IEE) at public expense each time the school system conducts an evaluation with which the parent disagrees. The parent always has the right to obtain an outside IEE at their own expense, before or after the system's evaluation.

Procedures for an IEE:
- The Director of Special Education or his/her designee must be invited to and be a participant of any meetings in which staff believe a parent request for an IEE will be made.

- The parent must provide their request in writing.
- The Director of Special Education will determine whether the school system will consent to an IEE.

When the school system requests an IEE or agrees to a parent request for an IEE:

When a parent obtains an IEE at personal expense:

- Chattooga County School System must ***consider*** the results of the parentally obtained evaluation.
- Eligibility may be determined on the basis of the IEE if the district and parent both agree to the results. The accepted IEE becomes part of the student's special education records and the school psychologist completes an eligibility based on the results of the IEE. This then becomes the new eligibility for the student.

ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY DEFINITIONS

A child or youth from 3 through 21 years of age is considered to have a disability under the Individuals with Disabilities Education Improvement Act (IDEA 2004) if the child or youth meets the eligibility criteria in any of the following areas and needs special education and related services.

(a) Autism Spectrum Disorder

Autism is a developmental disability, generally evident before age three, that adversely affects a student'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 are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Students with autism 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. [refer to 34 CFR 300.7(c)(1)(i)] The term of autism may also include students who have been diagnosed with Pervasive Developmental Disorder, Asperger's Disorder, Rett's Disorder, or Childhood Disintegrative Disorder provided the student's educational performance is adversely affected and the student meets the eligibility and placement requirements. Autism may exist concurrently with other areas of disability.

(b) Deaf/Blind

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.

(c) Deaf/Hard of Hearing

A student who is deaf or hard of hearing is one who exhibits a hearing loss, whether permanent or fluctuating, that interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement. [Refer to 34 CFR 300.7 (3), (5)]

(d) Emotional and Behavioral Disorder

An emotional and behavioral disorder 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. Consistent or chronic inappropriate type of behavior or feelings under normal conditions.

•

4. Displayed pervasive mood of unhappiness or depression.
5. Displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.

A student with EBD is a student who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency and intensity that it/they interfere(s) significantly with educational performance to the degree that provision of special educational services is necessary. For preschool-age children, these characteristics may appear within the preschool environment or in another setting documented through an extended assessment period. The student's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory or general health factors.

(e) Intellectual Disability (Mild, Moderate, Severe, Profound)

Intellectual disabilities refers to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period.

(f) Orthopedic Impairment

Orthopedic impairment refers to students whose severe orthopedic impairments affect their educational performance to the degree that the student requires special education.

(g) Other Health Impairment

Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

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

(h) Significant Developmental Delay

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

(i) Specific Learning Disability

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

(j) Speech-Language Impairment

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

(k) Traumatic Brain Injury

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

to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma or those resulting from internal occurrences such as stroke, tumor or aneurysm.

(l) Visual Impairment

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

Determination of Eligibility

An initial eligibility/IEP placement meeting only occurs in 2 situations:

- The student has never before been found to be eligible for special education services and has not had an IEP in the past or,
- The student is a transfer student to Georgia and who may have had a prior eligibility and IEP (See Transfer Section).

Scheduling of meeting:

- The School Psychologist or Special Education Director will schedule and coordinate IEP meetings for Initial Eligibility/IEP Placements. All required members (parent, Local Education Agency Representative, General Education Teacher, and Special Education Teacher) and additional personnel will be invited who can provide input for eligibility determination.
- The Special Education Director or designated LEA must be in attendance at all Eligibility/Placement IEPs.
- Parental Excusal Form must be completed if a required participant (LEA, Special Education Teacher, or General Education Teacher) is not in attendance or are unable to stay for the length of the meeting.
- No individual may participate in the meeting unless they are listed on the Notice of Meeting Invitation or the parent has given their consent.

Eligibility portion of meeting:

- The parent will be provided with a signed copy of the evaluation report.
- The parent and team members will be provided with a copy of the eligibility report to review during the meeting.
- The School Psychologist, or designee, reviews the results of the psychological evaluation.
- Eligibility is determined by Eligibility Team members, through review of all formal and informal sources of information.
- Presence of a disability and need for services must be established; presence of a disability alone is insufficient for placement.
- **Disability must adversely impact educational performance (even with correction for sensory impairments).**
- Progress monitoring data is required for all areas except sensory impairments such as deaf or blind and, in some cases, Traumatic Brain Injury and Autism placements.
- Consideration **must** be given to Exclusionary Factors (lack of appropriate instruction, limited English Proficiency, atypical educational history, environmental or economic disadvantage, or cultural factors, attendance)
- The Eligibility form must be signed by all participants.

- The Consent for Placement must be signed prior to services beginning.

Related Services

- Physical and Occupational therapies are related services.
- Physical therapy services require a prescription from a physician annually.
- Chattooga County will utilize the State of Georgia's Educationally Relevant Therapy Tool to determine the need for services.
- Assessment information is needed for IEP development but not for eligibility determination; however, this information must be entered into the appropriate areas on the eligibility form. Service providers are responsible for providing this information to the case manager PRIOR to the IEP meeting.

IEP portion of meeting

Upon determination of eligibility, the IEP Committee may convene to develop the Individualized Education Program. If the IEP Committee is not convened at this time, an IEP MUST be developed no later than 10 days from eligibility determination.

- The LEA will state that the purpose of the remainder of the meeting (to develop an IEP) based on the eligibility information and any other needs of the student.
- The LEA will provide the parent with a brief description of the purpose components of the IEP meeting. The Special Education Teacher will then facilitate the development of the IEP, including Present Levels of Educational Achievement and Functional Performance, Consideration of Special Factors, Goals and Short term Objectives (as appropriate), Student Supports, including Supplementary Aids and Services, Instructional and Testing Accommodations, and Special Education Services, all applicable components of the IEP.
- A copy of the draft IEP if not finalized should be provided to parent.
- A finalized IEP must be provided to the parent no later than ten days of the meeting date.

Sample Eligibility Meeting Agenda

1. Introduce Eligibility Team Members in attendance.
2. Provide and explain parental rights (see Parental Rights at a Glance).
3. State the Purpose of the Meeting (i.e., determine eligibility for special education services) 4. Review rationale for referral:
    - Case history
    - Summary of interventions
    - MTSS data
    - Benchmark, EOG, EOC, and other district- and state-wide test scores
5. Review other information required to determine eligibility (sequence determined by individual referral):
    - Information from the parent
    - Information from the classroom teacher
    - Information from a co-teacher (if the student has one)
    - Information, including formal reports, from staff members who may have provided intervention, observed, reviewed medical records, or evaluated the child (e.g. SLP, Principal, School Psychologist, Counselor, Social Worker, etc.) 6.

Review exclusionary factors:

- Attendance
- Vision/hearing
- Atypical educational history

- Cultural differences or economic disadvantage

7. Summarize findings:
    - Determine eligibility for services
    - Consider areas for possible placement
    - Provide explanation in summary for the reason the student is eligible for services via the areas determined by the eligibility report
8. All members sign the form:
    - For SLD, members must indicate agreement or non-agreement
    - For SLD, any member who disagrees with the decision of the team must provide an explanation in writing.
9. Adjourn and dismiss or team members may opt to move into IEP Meeting if student is eligible. (IEP meeting must be held within 10 days.)

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION (ALIGNED WITH STATE RULE: 160-4-7-.08)

Confidential Information

All special education records, documents and information are confidential. ALL personnel (including contracted employees) employed by Chattooga County Schools are responsible for maintaining confidentiality in regard to students with disabilities and students suspected of having a disability. Special education records, written documents, and information shared verbally through the special education process are confidential. For all personnel in the school system, breaching confidentiality is a violation of ethics and may result in disciplinary action.

Maintaining Special Education Records

The following procedures must be followed in order to maintain confidentiality of Special Education Records.

- Special Education Records will be maintained as follows:
    - Active Files: Students who are currently receiving special education services.
    - Inactive Files: Students who have been exited from special education programs, did not qualify for services, have transferred out of Chattooga County School System, or have graduated.
- It is the responsibility of the assigned Special Education Case Manager to appropriately maintain each Special Education Record on his/her caseload.
- The case manager will inform the Special Education Secretary of the inactive status through email or phone call. Unless in immediate use, Active Files should be maintained in a locked filing cabinet at each school.
- A list of authorized employees (specific titles, not names) with access to Special Education Records should be displayed on the outside of the file cabinet.
- Authorized employees removing Special Education Records from the file cabinet must complete the sign-out insert located on top of the filing cabinet and insert it in place of the Active File.
- Special Education Records should not be taken home.
- All persons collecting or using personally identifiable information must receive training or instruction regarding department policies and procedures concerning personally identifiable information.

Destruction of Information

The LEA must inform parents that personally identifiable information collected, maintained, or used in the provision of a FAPE is no longer needed to provide educational services to the child and the procedure for

destruction of information. The information must be destroyed at the request of the parents when the information is no longer needed to provide educational services to the child. However, a permanent record of a child's name, address and telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Also see Local Government Record Retention Schedules for more information:
157 | Student Records, Special Education
Description: Individual student records for the special ed program Retention:
Retain until age 22 and notification of parents.
Legal Citation: 34 CFR 300.624

165 | School Psychologist/Psychometrist Files
Description: Records, such as evaluations, created by the school system psychologist or psychometrist
Retention: 5 years
Legal Citation: O.C.G.A. 20-2-152

218 | Special Education Program Selection and Placement Requirements Documentation
Description: Core documentation of admission criteria and program requirements
Retention: Permanent. Retain 1 copy.
Legal Citation: O.C.G.A. 20-2-152

238 | Student Support Team (SST) Files
Description: Records supporting the identification and recommended modifications in student behavior
Retention: 2 years after student leaves the school district

Access Rights and Required Procedures:

- Parents have the right to inspect and review all records relating to their child unless Chattooga County Schools has been advised that the parents do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.
- Parents are permitted to inspect and review any education records relating to their child that are collected, maintained, or used by the Chattooga County Schools must comply with a parent 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.
- All employees should notify the Special Education Director immediately if a parent requests access to their child's Special Education Record.
- The right to inspect and review all education records includes:
  - The right to a response from Chattooga County Schools to reasonable requests for explanations and interpretations of the records.
  - The right to request that Chattooga County Schools provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records.
- Each parent has a right to have a representative inspect and review the records.
- The rights of parents regarding education records are transferred to the adult student at age 18.

Amendment of Records at Parent Request Request/Results of Hearing

Parents who believe that information contained in the education records collected are inaccurate or misleading or violates the privacy or other rights of the student may request that the Chattooga County Schools amend the information. If any Chattooga County School employee receives a parent request to amend a Special Education Record, the employee should contact the Special Education Director immediately. 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 must 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 must 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.

Parent Consent

Parental consent must be obtained before personally identifiable information, including Special Education Records is disclosed to other parties unless the disclosure is authorized without parental consent.

Prior consent is NOT required to release information to:
Parents or eligible children

- Other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate education interests. This includes teachers within Chattooga County Schools, legally constituted cooperating agencies or other agencies providing shared services
- 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 a release of records.
- See State Rule 160-4-7-.08 for more information regarding areas consent is not required.

SECTION 2: SUPPORTS AND SERVICES

Chattooga County Schools will implement policies and procedures to ensure that students with disabilities receive FAPE in the Least Restrictive Environment (LRE) to access the General Curriculum.

Individualized Education Program

Upon determination of eligibility an Individualized Education Plan (IEP) is developed. The purpose of an IEP is to:

- Understand the student's present levels of academic achievement and functional performance
- To set individualized goals for a student, and
- To state the special education and related services that the school system will provide for the student.

Scheduling and Meeting Notices

Timelines:

- An **initial IEP meeting** must be held within 10 calendar days after it is determined that a student has a disability and is eligible for services.
- An **IEP annual review** must be held annually to review the student's progress and develop the next year's IEP.
- An IEP meeting may be held to **revise or amend** a current IEP during the year due to lack of progress toward goals or in the general education curriculum or as other circumstances warrant it.
- **Without exception**, all IEP annual review meetings must be scheduled to ***meet no less than 4 weeks prior to the expiration date of the current IEP.*** This will allow time for rescheduling dates if necessary.

Scheduling and planning the meeting:

- The Special Education Teacher/Case Manager/Department Head or designee is responsible for scheduling all IEP meetings.
- The Case Manager shall take steps to ensure that one or both parents are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure that they will have an and place.
- Best practice guidelines for scheduling and planning for the IEP meeting include:
  - Call parents to plan the date and time of the meeting. Make this phone call 8 weeks prior to the expiration date in order to meet 4 weeks prior to the expiration date.
  - Talk with parents about their concerns and input on the upcoming IEP so that the appropriate IEP Team members can be invited, and important information can be incorporated into the draft IEP. ○ Contact school participants required, including related service providers (SLPs, VI, DHH, OT, PT,

- OI, etc.) and secure a LEA representative for the meeting. (Do not ask someone to sign that does not attend).
  - After determining the agreed upon date and time, the case manager MUST send a ***Notice of Special Education IEP/Placement Meeting to each person listed on the notice.*** **Notice of Meeting:**

  Notice of Special Education IEP/Placement Meeting **may** be mailed to the parent via US Mail or sent home via the student. BEST PRACTICE is to send 2 copies home – 1 for parent to keep, 1 to return to school. The case manager should follow up on all meeting notices to ensure that parents have appropriate notice.
- Document all contacts regarding IEP meeting.
- Parent must have a minimum of three notifications for each meeting. Even if parents respond to the first notice, follow-up notices and reminders must still be sent.
- If the parent does not respond to the first notification, different methods should be used for further notifications (e.g. US Mail, email, phone call, text, in person, home visits).
- Document results of notifications in detail (e.g. phone call and left message, phone call and parent indicated they would/would not attend, copies of correspondence to and from parents, detailed records and results of visits made to the home).
- If neither parent can attend an IEP Team meeting, they **MUST** be offered other methods for participation, including individual or conference telephone conferences.
- If the case manager does not receive **ANY** communication from parents after repeated notifications, he/she should contact the Special Education Director for support and guidance.
- Upload ***signed*** meeting notices in the documents tab of the student's GO IEP profile.

Purpose of Meeting:
The Notice of Special Education IEP/Placement Meeting MUST indicate the purpose(s) of each meeting so that parents can meaningfully participate.

Invited Participants/Meeting Attendance:

- **Required Participants.** The following individuals **must** be invited to every IEP Meeting. Required members of the committee must stay for the entire meeting or an excusal should be signed by the parent. Utilization of an excusal form should be on rare occasions and only for IEP Meetings.
- Parents/guardians
- Regular Education Teachers (at least **one** of whom must attend)
- Special Education Teacher(s)
- LEA (Principal, Assistant Principal, Special Education Director, School Psychologist, or knowledgeable staff member)
- An individual who can interpret the instructional implication of evaluation results (usually the special education teacher and/or the related services personnel who have evaluated the student.)
- Student (if transition is to be discussed or when rights have been transferred) and whenever appropriate
- Related Services Personnel or other school personnel
- (OT/PT/SLP/Counselor) who serve, evaluate, or have special knowledge regarding the student

****Parental Excusal Form** must be completed if a required participant (LEA, Special Education Teacher, or General Education Teacher) **is not in attendance** (for any of the meeting) **or must leave meeting early.** If the staff member's area of curriculum or related service is to be discussed, he/she must submit relevant input into the development of the IEP in writing prior to the meeting. If the therapist is a required member for an individual child, an excusal would be required.**

•

Additional participants.

- Individuals requested by parent
- Vocational Rehabilitation or other agency personnel, when appropriate. This requires parental permission (or student permission if rights have transferred)
- Director of Special Education when requested by a member of the team, then serving as the LEA, or to attend as required for initial placement IEP meetings

  Future teachers and/or administrators as needed to assist in the transition of students between schools.
- School Psychologist as needed.
- If student is also an English Language Learner (ELL), the ELL teacher must be invited to the meeting to provide information on Access scores, services, and accommodations needed. Accommodations for Access testing should be documented in the IEP Testing Accommodations section. ELL services are not documented on the Special Education Services page.
- If an attendee comes to the meeting and is not listed on the original Notice of Special Education IEP/Placement Meeting, the parent must provide verbal or written consent to allow any individual to participate in the IEP meeting.
- Document this permission on the Meeting Notes section of IEP.

LEA Representative.

- The LEA Representative is defined as "a representative of the local educational agency (LEA)" who is qualified to:
- provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities,
- is knowledgeable about the general education curriculum and,
- is knowledgeable about the availability of resources of the LEA.

Parent not in Attendance

What happens if the parent cancels or does not show up at the first scheduled meeting?

- If the parent does not show up at the scheduled meeting, contact parent by phone, email, or text. Would they prefer to participate in a phone conference or videoconference, reschedule the meeting, or give permission to hold meeting without their presence? DOCUMENT communication and results of communication with a statement on Meeting Summary page.
- The IEP meeting may not legally be held as scheduled if the parent confirmed their attendance, did not show up for the meeting, and was unavailable by phone and/or denied meeting being held by phone.
- RESCHEDULE the meeting.

What happens if the parent has stated or returned the written notice confirming their attendance but cancels or does not show for the IEP meeting the 2nd attempt?

- Same as above -- Do NOT hold the IEP meeting as scheduled.
- RESCHEDULE the meeting.

If the parent does not show for the 3rd meeting scheduled:

- The meeting may be held without the parent. This only occurs if 3 separate meeting dates/times have been scheduled in which the parent communicated that they would attend but did not show up for the meeting.

•

If the parent cancels the meeting for the 3rd time:

- Provide written notification that the meeting will proceed without them prior to conducting meeting. *"The IEP Team has made several attempts to conduct this meeting and will have to proceed with this meeting in the event that you are not present for this meeting".*

What happens when you cannot reach a parent, or the parent has not responded to any of the notifications?

- The meeting may be held without the parent if at least 3 separate attempts to contact/notify the parent through a variety of contact methods and over the time period of at least 10 school days were made. The meeting notifications must include 3 different methods of notice (e.g. mail, phone call, email, inperson) including one MAILED via US Mail with detailed documentation of attempts.
- If the case manager does not receive **ANY** communication from parents after repeated notifications, he/she should contact the Special Education Director for support and guidance.
- Document the attempts in the meeting notes.

Parent permission to hold IEP meeting:

- A parent can request the meeting be held without them if specific procedures are followed and documented.
- Notice of Meeting Invitation is sent home and the parent has returned the notice documenting his/her decision to allow the meeting to proceed. The box at the bottom stating, "I will not be attending the meeting, and I give permission to hold the meeting" has been checked and the parent's signature is on the form.
- If the parent has not returned written documentation stating the Team has permission to meet without him/her but has verbally stated that the meeting may proceed without their attendance. Document on last page of IEP (Section XIII-Meeting Outcomes and Forms Sent to Parent-Meeting Notes). Continue efforts to obtain the written documentation (without it you have no proof that the parent provided this permission).

NOTE: If the meeting is to be held without the parent present, the meeting must still be conducted with all other participants. **No IEP Team member is to sign an IEP unless that individual was present at the IEP meeting.**

MAKE A REASONABLE ATTEMPT TO HAVE THE PARENT AND STUDENT (WHEN APPROPRIATE) ATTEND AND PARTICIPATE IN THE IEP MEETING. IF THEY CANNOT ATTEND, OFFER THE OPTION OF PARTICIPATION VIA CONFERENCE CALL, OR ANY OTHER METHOD. ASK THE SPECIAL EDUCATION DIRECTOR FOR ASSISTANCE.

IEP Annual Reviews

Preparing for the IEP Annual Review

- The case manager should gather all data for the Present Levels of Academic Achievement and Functional Performance on the draft IEP: ○ Psychological Evaluation (check original) ○ State and District Assessments ○ Related Services Assessments ○ Progress Monitoring Data
    - Grades ○ Attendance
    - Discipline Records/Office Referrals

-
- Talk with parents prior to the meeting:
    - Concerns
    - Important Goals
- Talk with teachers, including those who will not be attending the meeting:
    - Strengths
    - Progress in the general education curriculum
    - Accommodations, modifications, and supports needed in general education
    - Possible goals
- Prepare the DRAFT IEP

Draft IEPs

- Each IEP is an original document. Information should not be cut and pasted from a previous IEP without appropriate updates.
- The IEP checklist should serve as a guide for completing the IEP.
- The designated person for each school should review all draft IEPs prior to the annual review/meeting to allow for corrections.
- A copy of the draft IEP should be provided at the IEP meeting.
- The draft IEP should clearly be labeled as a draft. The case manager is responsible for communicating that the draft IEP is for discussion purposes only.
- The Special Education Services should not be completed on the Draft IEP until discussed at the IEP meeting.
- The Special Education Teacher/Case Manager must make additions and/or revisions to his/her original draft of the IEP as every section of the IEP is discussed.
- Case manager should have access to a computer during the meeting so that additions/corrections to the draft can be made.
- At the end of the meeting, provide parent with the "Draft" version or final copy of IEP.

****Final copy with revisions made must be provided to parent within 10 school days."****

- If revisions are made at the meeting, then that final copy may be given to the parent before they leave the meeting. If not, then provide the parent with a copy of the draft including a copy of the signature page.

Sample IEP Agenda (Initial, Reevaluation, and/or Annual Reviews) 1.
Introduction of team members.

2. If needed, review and sign Parent Consent for Excusal forms.
3. Parental Rights given and explained
4. Statement of purpose of the meeting
5. Discussion of Present Level of Education Achievement and Functional Performance (PLAAFP)
   - Strengths first to set a positive tone
   - Parent concerns
   - Review current/recent data ○ Progress monitoring
     ○ Review most recent state and district testing ○ Any other recent assessment information available
6. Needs and baseline data.
7. Impact of the student's disability on the participation and progress in the general curriculum.
8. Address all Considerations of Special Factors, as appropriate
   - Behavior Intervention Plan
   - Assistive Technology*
9. Measurable Annual Goals that meet the needs specified in the present levels.
10. Short-Term Objectives as needed. These are required for students taking the Georgia Alternate Assessment (GAA).
11. State/District Testing Accommodations
12. Student Supports
    - Instructional Accommodations
    - Classroom Testing Accommodations

- Supplementary Aids and Services
- Supports for School Personnel

13. Options for Services and Final Placement Recommendations with consideration for Least Restrictive Environment
14. Copies of all applicable forms, i.e.…Eligibility, IEP meeting notes, and IEP given to parents. If not provided at the meeting, let the parent(s) know when to expect this information and how it will be delivered (e.g., mailed or sent home with student).

Note: Additional items as determined by meeting purpose in the appropriate section above.

Follow order of IEP form.

- Transition Services must include appropriate measurable postsecondary goals based upon ageappropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (b) the transition services (including courses of study) needed to assist the student in reaching those goals. (prior to 9th Grade, but no later than age 16)
- Transfer of rights to the student (student informed of transfer at age 17; rights transfer at age 18) o Adaptive PE
- Special transportation-Complete transportation form and document needs of student, especially medical. Form should be updated annually or as needs change.

Chattooga School System - IEP Checklist

Student Name _____ Case Manager _____ Meeting Date_____
*Sent SPED Rep. for review _____ *Review by SPED Rep. _____ *Sent for corrections_____
*2nd review _____ *Finalized _____ *Rcvd. In SPED office _____ *Filed_____

_____ I. Student Information/Dates: This will be prepopulated from GOIEP.

_____II. Present Levels of Academic Achievement and Functional Performance

a.) State and District Assessments. This is prepopulated in GOIEP.

b.) Results of Initial or Most Recent Evaluation/Areas of Need:

1) You will choose an area of need from the drop-down box. Once you choose an area you must choose the source of your information. Examples: Brigance; Developmental Profile; Psychological Tests Results (from Psychological or Eligibility Report); etc…
2) Next, complete a narrative describing the weaknesses with test scores and progress monitoring information (3-5 probes minimum) included.
3) Check the box that states the student will have a goal that addresses this weakness, or any other appropriate statement given.
4) Be sure to check the box that states the student will need instructional or testing accommodations to assist with this weakness.
5) You must do this for every area of weakness. If you progress monitor it is a weakness!
6) Complete the goal for the weakness by clicking on the + sign and completing.

c.) Descriptions of academic, developmental, and/or functional strengths:

1) Write a narrative about the student's strengths.

d.) Parental concerns regarding their child's education:

1) Write a narrative about the parent's concerns. This must be updated at each meeting. This area is not to document attendance at the meeting. These comments can come from previous contacts with parents but does not relieve you of the requirement to have them participate.
2) You must make multiple attempts in a variety of ways to reach the parent. Offer a phone conference meeting if necessary.

e.) Impact of the disability on involvement and progress in the general curriculum (for preschool, how the disability affects participation in appropriate activities.)

1) Write a narrative about how the disability impacts the student's performance in the general curriculum and setting.
2) Reference the accommodations/modifications provided in this paragraph.
3) Teacher reports of classroom functioning may be included here but there should be no opinion statements.

_____III. Consideration of Special Factors:

a.) Communication; Assistive Technology; and Alternate Formats are REQUIRED for all students!
b.) Behavior is REQUIRED for all EBD students; Student in the Alternative Setting; and those experiencing multiple discipline/behavior referrals.
c.) The remaining areas are considered only if they apply to the student.

_____IV. Transition – Required for 8th grade or 14 years of age whichever comes first.

a.) Follow current guidelines to complete.

_____V. Measurable Annual Goals:

a.) Each goal will meet a need that is specifically described in the "needs" section. This will be done while working in the needs section.

_____VI. GAA Decision:

a.) This will only be available for students that meet the requirements.
b.) Complete the questions and give rationale.

_____VII. Accommodations for State Required Assessments:

a.) Complete for each test administered at the current student grade level.
b.) You may copy the accommodations if they are the same for each subtest.

_____VIII. Math Rubric: Only for 10th grade or above

a.) The program will only allow completion for eligible students.

_____IX. Student Supports:

a.) To be able to add here you must have clicked the button on the needs area for instructional supports.
b.) You only have to add any additional accommodations or modifications that were not prepopulated through the testing section.

1) Write each support in a complete sentence. DO NOT write benefits from instead write, "student will be provided" or "student will receive"
2) These should make sense with your impact statement.

3) List supports according to subject area or write “in all classes” or “in all academic areas”.
4) Be sure to include a statement that student will receive the same accommodations for local benchmark assessments and also the SLO assessments.

_____X. Extended School Year

a.) This must be addressed annually. If you feel that it is too early to determine this need you may defer. However, if you defer then another meeting must be held to determine the need for ESY at a later time.

b.) If you determine that ESY is necessary by answering all of the questions in the GOIEP program then you must mark the goals that will be extended.

_____XI. Transportation

a.) Answer the question with YES/NO. IF yes then you will complete narrative about why this service is needed.

b.) Please use 5 sessions/1 hour each/weekly when doing services for transportation.

_____XII. Special Education Services

a.) Be sure and click a continuum of services to be considered for each student.

b.) Inclusion is always inside general education setting.

c.) Resource or Self-Contained services (Academic/Speech/etc…) are always outside general education setting.

d.) Speech is a SPED service. OT/PT/Transportation are considered related services.

_____XIII. Meeting Outcomes and Documentation of Forms sent to Parents

a.) You may type meeting notes if you would like but this is not required for an annual review.

b.) Initial placements should have meeting notes.

c.) If an initial placement you must check whether the parent consents to placement. If an annual review you must check that they agree with IEP.

d.) Be sure and check by the names of the meeting attendees only if they actually attended.

e.) Check the documents provided to the parent, the date provided, and the method.

_____XIII. Reevaluation Data Review

a.) Do this one year prior of the school year that the eligibility is due. If the annual review is not due until after the 180-day mark go ahead and have the annual review and redetermine eligibility. This will start the countdown over.

b.) Be sure to complete all sections of the reevaluation data review page. You will NOT update the original eligibility any longer. All information will be put on all sections of the reevaluation data review page.

Transition Service Plan:

- Completed for students during the eighth grade (prior to the 9th grade) or by age 14, whichever comes first. Student MUST be listed on the IEP Notice. The student should attend the Transition Service Plan meeting. Any outside agencies/counselors/etc… MUST also be on the invitation.

- Transition service plans must be developed for each child prior to starting high school. The plan details the student's needs based on age-appropriate assessments and the course of study, career pathway the child plans to work towards.
- Must include data from a transition survey, learning style assessment, etc… (www.gacollege411.org, Brigance of Transition Skills)
- Updated at least annually and is the road map to postsecondary outcome goals (what the student plans to do after high school).
- Due process rights transfer to students at age eighteen, students must be informed each year until rights transfer.
- See DOE Website for Transition Toolbox and examples of Transition Plans. http://www.doe.k12.ga.us/Curriculum-Instruction-and-Assessment/Special-EducationServices/Pages/Transition-.aspx

IEP Goals and Objectives:

Annual goals/objectives are developed to address specific deficits as described in the present levels of academic and functional performance and secondary transition needs. Goals are measurable targets predicted to be met by the completion of the IEP and objectives are smaller steps designed to enable students to reach the ultimate goal(s).

- Must be skill building: What skills does the student need to develop in order to access, participate and make progress in the general curriculum and school activities?
- Goals and objectives are derived from the specific needs/weaknesses that have been identified in the PLAAFP. Each area of difficulty that is a result of the disability must be addressed through goals and objectives.
- Goals and objectives are to be written for reading, math, speech, behavior, functional skills, etc. – Any subject/area in which special education services are provided below grade level – student is working on skills that are prerequisite to the grade level GSE (even if the service delivery model is consultative, collaborative or co-teaching).
- Goals and objectives are not the GSE.
- Must contain performance, conditions and criteria. Clear and measurable present levels make writing clear and measurable goals easier.
- There must be a data collection (progress monitoring) strategy that supports the measurability of the goal. **This is required!**
- Student progress toward meeting the goals/objectives in the IEP must be provided to parents according to GOIEP requirement.

IEP Goals and Objectives: Transfer Students

- Use the goals and objectives included in the IEP from the previous school upon enrollment. Review student progress. If goals need to be changed, schedule an amendment meeting.
- For Initial IEPs: From the date of the initial eligibility report/meeting, IEP must be written within 10 days, including goals and objectives.
- For Annual Review IEPs: Have all goals and objectives from the previous year reviewed and marked for progress. Write new goals and objectives for the current/new IEP.
- Students, who receive consultative services, co-taught services, collaborative services, and/or resource services AND are being instructed ON GRADE LEVEL, can include only MEASURABLE long-term goals in the IEP.

- [(160-4-7-06 Individualized Education Program (IEP)]. The IEP is a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with this Rule, and that must include…(b) A statement of measurable annual goals, including academic and functional goals…] Goals should be attained in one year.

If a child with a disability transfers to a new LEA in the same school year within Georgia, the new LEA (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous LEA), until the new LEA either: (a) Adopts the child's IEP from the previous LEA; or (b) Develops, adopts, and implements a new IEP that meets the IEP requirements of this Rule.

If a child with a disability (who had an IEP that was in effect in a LEA in another State) transfers to Georgia within the same school year, the new LEA (in consultation with the parent) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous LEA), until the LEA - (a) Conducts an evaluation if determined to be necessary by the new LEA; and (b) Develops, adopts, and implements a new IEP, if appropriate.

The new LEA in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous LEA in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act (which does not require prior parental consent to disclose education records to officials of another school where the student seeks or intends to enroll); and (b) The previous LEA in which the child was enrolled must take reasonable steps to promptly respond to the request from the new LEA.

Helpful Hints:

- All students, including those with IEPs are to receive instruction based on the GSE. Proficiency on the GSE is the goal for all students.
- IEP goals should be written to address weaknesses noted in the PLOP.
- IEP goals target specific skills that are necessary for the student to master in order to access the GSE.
- Documentation for progress toward annual goals/objectives should be available through progress monitoring.
- For GAA students and any other students who receive consultative services, co-taught services, collaborative services, and/or resource services AND are being instructed BELOW GRADE LEVEL, the IEP must include MEASURABLE long-term goals and short-term objectives in all academic, functional, and behavioral areas, to include: reading, ELA, math, science, and social studies. [(160-47-06 Individualized Education Program (IEP). The IEP is a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with this Rule, and that must include…(c) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;]
- For students identified as EBD, OHI, or who have a BIP or behavior concerns addressed on a daily basis, MEASURABLE annual goals with appropriate evaluation/data sources named.
- If related services are required and the student is served consultatively, cotaught, or collaboratively, the case manager and the therapist must collaborate to write appropriate long-term goals and shortterm objectives (as appropriate).

Student Supports

- Instructional Accommodations Directly related to deficits described in the present levels. Must be stated in specific observable terms. Should state who is to develop or provide the accommodations/modifications and when the accommodations/modifications will be provided.
  - List specific subject areas that apply.
  - List instructional aides and practices that **must** be provided to allow the student to participate and make progress in the general education setting and to access the GSE to the greatest extent possible.
  - Use complete sentences. Don't use phrases like "will benefit from".
  - Must be what accommodations will be provided.
- Classroom Testing Accommodations should be consistent with instructional accommodations. However, some instructional accommodations may not be appropriate for state tests.
- Supplementary Aids and Services are provided in the general education classroom or any other education-related setting to enable student with disability to be educated with non-disabled peers.
- Supports for School Personnel is any training for teachers or staff to be able to meet the individual needs of the specific student for which this IEP is written.
- **The case manager is responsible for providing and explaining the student's accommodations and supports to all of teachers and support staff who work directly with the student at the beginning of the year/semester.**
- Each LEA must ensure that: (a) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (b) Each teacher and provider is informed of 1) His or her specific responsibilities related to implementing the child's IEP; and 2) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
- At the beginning of each school year, each LEA must have an IEP in effect, for each child with a disability within its jurisdiction. IEP or IFSP for children aged three through five: In the case of a child with a disability aged three through five, an IEP or IFSP shall be in place. If the IFSP is utilized, it must be - Consistent with the Georgia rule for IEPs; and agreed to by the LEA and the child's parents. The LEA must - (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

Assessment Determination

District and Statewide Assessments Grades K-12:

- Assessment determination is made on an individual basis according to whether the student is taught grade level standards, modified achievement standards, or alternate standards.
- Complete the chart with specific information for each test. The IEP Team may not identify any accommodations that are not on the approved list.
- If the IEP Team identifies an accommodation that is not on the list, contact System Testing Coordinator.
- Refer to DOE approved Testing Accommodations guide or contact School Test Coordinator.
- **Accommodation Chart**
- **Test:** List ALL tests required at the student's grade level to include local benchmarks. **Address all of the following** that pertain to the student:
  - **Subtests** ○ **Setting** ○ **Timing/Scheduling** ○ **Presentation** ○ **Response**

****MODIFICATION OF CONTENT INSTRUCTION AND ASSESSMENTS MAY IMPACT STUDENT LEARNING AND THE ACQUISITION OF CRITICAL CONTENT. PROVIDE STUDENT ACCOMMODATIONS RATHER THAN MODIFICATIONS AS APPROPRIATE.****

Conditional Read-To Accommodation Policy

A student will be able to "have passages read" on state mandated tests which is a conditional administration, if the student obtains a Percentile Rank of 2 or below on the Total Word Reading Efficiency Index (Sight Word Efficiency and Phonemic Decoding Efficiency) as provided on the Test of Word Reading Efficiency (TOWRE-2) **AND** obtains a Percentile Rank of 2 or below on the Total Reading Composite as provided on the Diagnostic Achievement Battery (DAB-4/DAB-I).

Services

Special Education: Instruction/Related Services in General Education Classroom
Special education instruction/related services may be provided in the general education setting (consultation, collaborative or co-teaching). This section of the IEP specifies the amount of time students will receive special education services in the general education classroom.

- List special education services provided in the general education setting.
- All options of services (collaborative, co-teaching, alternate, paraprofessional support) should be discussed and checked off on the IEP as having been considered.
- Paraprofessional support is listed under "Supportive Services" in this section.

Special Education: Instruction/Related Services Outside the General Education Setting:

- Special education instruction/related services may be provided outside of the general education setting. These are small group sections taught by a special education provider and are indicated in this portion of the IEP.
- In cases where a student gets special transportation, list in this section under "Related Services" for 5 segments weekly.
- If a student is transported during the day to another facility, please include this in your FTE data sheet.

Explanation of the extent, if any, to which the child will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities: (LRE Statement)
There must be an explanation of the extent to which the child will NOT participate with nondisabled children in the regular class and in the nonacademic and extracurricular activities.

- Include a statement to explain rationale for removing the student from the general education classroom. This is an explanation of what the child will receive instructionally that is not available in the regular education setting (specialized reading/math/functional skills, etc.)
- Leave blank if all services are provided in the general education setting.

Extended School Year (ESY)
We often think of ESY as "summer school" and that certainly is a component, but ESY encompasses *any* time school is out of session and a student returns having regression and is unable to recoup skills in an acceptable amount of time. ESY services may include a variety of program delivery models: work packets sent home, strategies to support the maintenance of appropriate behavior.

- ESY must be addressed at every IEP Annual meeting, regardless of what time of year it is held. The decision can be changed later in the year if data supports this. (DO NOT MARK N/A).

- Data-driven decision based on the progress made over the past year's IEP Goals and objectives. If student regresses over the course of a year, a meeting may be held to discuss the possible need for ESY. This will be the EXCEPTION and not be used often.

ESY is NOT:

- It is not a mandated 12-months service for all students with disabilities.
- It is not required for the convenience of the school or parents and, therefore, cannot serve as a day care or respite care service.
- It is not required or intended to maximize educational opportunities for any student with disabilities.
- It is not necessary to continue instruction on all of the previous year's IEP goals during the ESY period; the focus should be on specific, critical skills.
- It is not to help students with disabilities advance in relation to their peers.
- It is not for those students with disabilities who exhibit regression, which is solely related to medical problems resulting in degeneration, or transitional life situations such as divorce or death of a family member. This type of regression is not due to the interruption of summer vacation.
- It is not required solely when a child fails to achieve IEP goals and objectives during the school year.
- It is not to provide a child with education beyond what is prescribed in his/her IEP goals and objectives.

The following factors should be considered in reviewing a student's eligibility for ESY services:

- Nature of the child's disability
- Severity of child's disability
- Age of the student
- Areas of learning crucial to the child's attainment of self-sufficiency and independence
- Contents to any applicable transition plan
- Progress of skills identified in the IEP goals and objectives
- Rate of progress or rate of regression which may limit the student's ability to achieve IEP goals/objectives

Relative importance of the IEP goals at issue;

- Whether related services are needed to enable the student to progress toward IEP goals
- Delays or interruption of services during the school year.
- Other pertinent information such as emerging skills

IEP Team Signatures:

- Have each member of the IEP Team, including the parent, sign the last page of the draft IEP page printed from GOIEP.
- **No one is permitted to sign the last page of the draft IEP if they were not present at the meeting.**
- **Upload signature pages into the documents tab of the student's GO IEP profile.**

Copies of IEP/draft IEP to parent and other committee members:

- A draft copy of the IEP must be provided to the parent at the end of each IEP meeting. This is the system's offer of FAPE for the student.
- Final copy of the IEP MUST be provided to parent within 10 days of the meeting.
- If a parent does not attend an Initial IEP meeting or change of Eligibility meeting the IEP and Eligibility must be approved by parent before being implemented.

- Make copies of all paperwork being sent home in the event it gets lost or is not returned.
- A parent signature is not required on the finalized IEP but is needed on the draft IEP signature page if they attended the meeting. **Notes**
- Minutes of meetings are required. However, if notes are taken during the meeting, then one person has to be identified as the individual taking the notes.
- Notes are to be summary notes and **are to be specific.**
- Notes are to be a summary of what was discussed, with particular attention to addressing parent concerns and student needs.
- Individual names and specific quotes by individuals should not be recorded in summary of notes.
- All important items discussed as part of the IEP will have already been recorded in specific sections of the IEP.

Disputes
If problems arise during the meeting which cannot be resolved, the meeting should be adjourned and rescheduled at a time when the Director of Special Education can attend.

Amendments
Parent permission must be obtained and documented prior to amending the IEP. Amendments may be made to IEPs to increase/decrease services, adjust goals and objectives, change student supports, add Transition Plans and Summary of Performances, and other minor changes of a student's program. Amendments do not replace the IEP Annual Review and **should be written with the end date of the original Annual Review.**

Related Services
Related Services are those services an IEP team determines are necessary for a child to benefit from special education services and participate in their academic program to the best of their abilities. Criteria to determine related services eligibility should be based on specific student needs. Occupational Therapy, Physical Therapy, Transportation, Psychological Services, Counseling, Orientation and Mobility, Social Work and Audio-logical Evaluations can fall under related services.

Occupational Therapy
Referring a student for OT Evaluation

- Should a Case Manager or IEP Team feel a child may need OT, complete the Checklist for Occupational Therapy Referral and contact the Special Education Director or therapist to consult.
- If an evaluation is appropriate, contact the parent to obtain permission for the evaluation to occur.
- Upon completion, hold an IEP to review results and make determination regarding eligibility for services with the Educationally Relevant Therapy Tool provided by the GADOE and development of IEP as appropriate.
- The District is not required to automatically provide the services.
- IEP Team should look at it as a recommendation, determine the need via the Educationally Relevant Therapy Tool and discuss it to determine if there is an educational need for such services.

Physical Therapy
Referring a student for PT Evaluation – Requires orders from a doctor (Medical Recommendation form)

- Should a Case Manager or IEP Team feel a child may need PT, contact the Special Education Director or therapist to consult.
- If an evaluation is appropriate, contact the parent to obtain permission for the evaluation to occur.

- Upon completion, hold an IEP to review results and make determination regarding eligibility for services with the Educationally Relevant Therapy Tool provided by the GADOE and development of IEP as appropriate.
- If you receive a "prescription" for PT, notify your SPED Director and forward a copy to the Special Education Office.
- The District is not required to automatically provide the services.
- IEP Team should look at it as a recommendation, determine the need via the Educationally Relevant Therapy Tool and discuss it to determine if there is an educational need for such services.

Dismissal from OT/PT

- When a student achieves the sensory/motor skills required for participation in his/her academic program and no longer requires direct services from OT/PT, the student's services will be reviewed using the Educationally Relevant Therapy Tool.
- A statement will be made on the PLOP that mastery of Goals and Short-Term Objectives has been obtained and will be monitored for continued mastery in the academic setting.
- The student will then be monitored to ensure she/he can maintain and implement the learned skills without direct service.
- The Related Services page of the IEP will list OT/PT (as indicated) as consultative model, 1x/mo. The duration can be less than one year.
- An OT/PT service now requires use of the Educationally Relevant Therapy or Clinically Relevant Therapy Tool.

Additional Resources/Services

Special Transportation

When regular bus transportation is determined to be inappropriate, Special Education Transportation must be listed in the IEP or an IEP Amendment must be completed. The Special Education Director and Transportation Director should be contacted prior to placing a child on the Special Education bus. Rarely can a child be suspended from the bus if the student receives special transportation as a related service on the IEP. **Special Education services cannot be taken away without a review of the IEP.** An immediate review of the IEP must be scheduled. The Director of Special Education must be contacted when problems arise on a special education bus.

Hospital Homebound

Hospital/ Homebound teachers will provide academic instruction that enables the student to keep up with their academic responsibilities while at home, thus allowing the student to return to his/her regular school program with as little interruption as possible. It is the goal of the Hospital/ Homebound staff to work closely with the family and the student's assigned school in order to facilitate a smooth, successful transition for the student upon returning to a regular school program. In regard to students with disabilities the IEP team may include HHB services in the IEP if it is documented that the student is eligible due to one of the following criteria. The time frame for services should be documented as well.

Eligibility Policies

- I understand that eligibility for services is based on the Georgia State Board of Education Rule 160-42-.31 Hospital/Homebound (HHB) Services, and that a medical referral form issued from a licensed physician or licensed psychiatrist is required to determine eligibility.

- I understand that local education agency (LEA) HHB services personnel may contact the licensed physician or licensed psychiatrist to obtain information needed to determine if my child will be eligible for HHB services and provide appropriate instructional delivery.
- I understand that my child must be enrolled in a public school prior to the referral for HHB services.
- I understand that the HHB services are for students confined to the home or hospital due to a medical or psychological condition, which is acute, catastrophic, chronic, or repeated intermittent.
- I understand that I will be required to sign an agreement regarding HHB services policies and procedures.
- I understand that if my child is eligible for HHB services, my child may be dismissed from the HHB program and may be required to return to school if his or her medical or psychological conditions improve as documented by a licensed physician or licensed psychiatrist.
- I understand that if my child is eligible for HHB services, he or she is subject to the same mandatory attendance requirements as other students.

Policies and Procedures

- A parent, guardian, or an approved adult parent designee as identified in the Educational Service Plan (ESP) shall be present during each entire home instructional period.
- A table or a desk in a workspace that is well ventilated, smoke-free, clean, and quiet (i.e., free of radio, TV, pets, and visitors) must be provided.
- A schedule for student study time between teacher visits will be established and the student will be prepared for each session with the teacher.
- Instructional materials must be obtained from the school, and assignments completed and submitted on time.
- Assignments will be returned to the regular school teacher for grading if the student is on HHB services for a short period of time.
- A parent, guardian, emancipated minor, student 18 years of age or older, or an approved adult parent designee as identified in the ESP must notify the HHB teacher at least 24 hours in advance if an instructional session must be cancelled. The LEA may, at its discretion, reschedule the cancelled session.
- The HHB teacher will notify the parent, guardian, or approved adult parent designee if they need to cancel a session and the session may be rescheduled.
- For long-term or intermittent HHB students, the HHB teacher, in collaboration with the regular education teacher, shall assign grades for the work completed.
- The parent/guardian, emancipated minor, or student 18 years of age or older must submit a release form from the licensed physician or licensed psychiatrist upon the student's return to school.
- To extend HHB services beyond the originally identified return to school date, the licensed physician or licensed psychiatrist must submit an updated medical referral request form.

Cause for Dismissal

- If the licensed physician or licensed psychiatrist recommends that the student is able to attend school or can no longer participate or benefit from HHB services, the student will be removed from the program.
- If the student is employed in any capacity, goes on vacation, regularly participates in extracurricular activities, or is no longer confined at home, the student will be removed from the program.
- If the parent, guardian, emancipated minor, student 18 years of age or older or adult parent designee cancels three sessions without 24 hours notice, the student will be removed from the program.

- If the conditions of the location where HHB services are provided are not conducive for instruction or threaten the health and welfare of the HHB teacher, the student will be removed from the program.

****Required forms for documentation can be found on the system Chattooga County Website.****

Assistive Technology

Chattooga County Public Schools believe that Assistive Technology is dynamic with regard to both technologies and implementation and should be driven by the often growing needs of our students, with specific considerations to their current environment and functioning. The implementation of such services is best delivered through a consultative model versus a single event "assessment" or "evaluation". Specialists with the Assistive Technology Department work closely with site-based IEP teams to consider appropriate AT accommodations and assist in their implementation across various educational environments. Specialists also provide technical support and training for devices/equipment provided within the district or those already accessible to, and appropriate for, the student. Information regarding general classroom supports is available by contacting the Assistive Technology Committee which includes Carla Chislom, Jonathan Campbell, or Tabatha Gardner, or can be obtained by Kelli Johnson, Director of Special Education Services.

- Carla Chislom – cchislom@chattooga.k12.ga.us
- Jonathan Campbell – jcampbell@chattooga.k12.ga.us
- Tabatha Gardner – tgardner@chattooga.k12.ga.us
- Kelli Johnson – kjohnson@chattooga.k12.ga.us

When to Generate a Consult for Student:

If a student is not making expected progress on IEP goals, or his/her documented disability is hindering access to curricular materials within one or more academic setting, examination of current accommodations is warranted. Refer to the AT/AAC flowchart (Appendix 1) to determine when an AT/AAC consult is appropriate.

There are many AT accommodations that can be implemented without generating a consult: feel free to contact a department specialist directly with any additional questions.

Assistive Technology Consideration

Your student isn't making progress or is having difficulty accessing materials. Should you include assistive technology in the student's list of accommodations? *Consider the following during the team discussion:*

- Is there an educational communication or physical barrier?
- Are there accommodations recommended or outlined to address the barrier in questions? If no, refer to AT resources and take data on any accommodations trialed. Are they effective? If yes, expand and implement in appropriate academic environments. If no, begin the consult process.
- Are they currently being implemented? If no, implement and take data on all accommodations tried.

- Are they effective? If yes, expand and implement in appropriate academic environments. If no, take data on accommodations implemented and refer to available resources or begin the consult process.

Purpose: To consult with the student's teachers, evaluate, and provide assistive technology devices/equipment and intervention services to students with special needs in the following areas:

1. Academic and Learning Aids
2. Aids for Daily Living
3. Assistive Listening devices and Environmental Aids
4. Augmentative Communication
5. Computer Access and Instruction
6. Environmental Control
7. Mobility Aids
8. Pre-vocational and Vocational Aids
9. Recreation and Leisure
10. Seating and Positioning Aids
11. Visual Aids

Referral Procedures:

1. Referrals and/or Requests for Services should be the result of an IEP Team recommendation.
2. Special Education School Designee completes and submits referral packet to the special education office.
3. The following documents must be included with the referral:
    - Request for Services
    - Student Request Form
    - Parent Permission Form for a consultation
    - Assistive Technology Background
    - Current IEP
    - Current work sample with writing referrals
    - Information about current reading level for reading referrals

Once the completed referral packet is forwarded to the School Designee, the consultation will be scheduled. After the consultation is completed, a report will be given to the Special Education Director. An IEP meeting should then be scheduled to discuss the results of the consultation and any recommendations, so that these can be included in the current IEP. The School Designee will be available to attend the IEP meeting if needed.

School Designees:
CHS – Special Ed Lead Teacher- Buffy Williams
LMES – Special Ed Lead Teacher- Sally Cash
SMS– Special Ed Lead Teacher- Jarod Groce LES-
Special Ed Lead Teacher-Ginger Hosmer
Special Ed Lead Teacher- Peggy Elrod

INITIAL IEP TEAM MEETING FOR A CHILD UNDER PART C (Babies Can't Wait (BCW))

In the case of a child, birth through age 2, who was previously served under BCW, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the BCW service coordinator or other representatives of BCW to assist with the smooth transition of services.

SECTION 3: DISCIPLINE
(Georgia Law 160-4-7-.1 0)

GENERAL PROVISIONS

The Chattooga County School System code of student conduct shall apply to all children unless a child's Individual Education Program (IEP) specifically provides otherwise. The Chattooga County School System 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 child management, discipline and suspension/expulsion upon the child's entry into a special education program, at the annual IEP review, and via the school handbook.

AUTHORITY OF SCHOOL PERSONNEL

The Chattooga County School System personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of the discipline rule, is appropriate for a child with a disability who violates a code of student conduct. Chattooga County School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 school days (to include those of above) in that same school year for separate incidents of misconduct as long as the removals do not constitute a change of placement under the discipline rule. If a child with a disability is removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the Chattooga County School System will provide services to the extent required under the discipline rule. Parents must be notified of discipline infraction that will result in a removal from the current placement for more than 10 school days. It is considered by the Chattooga County School System to be best practice to notify parents of any discipline infraction that results in a removal. This includes but is not limited to In School Suspension and Out of School Suspension. School administrators or their designee will monitor the number of removals for students with disabilities. This person will notify the Special Education Director when students reach the fifth day of removal or the third office discipline referral. The Special Education Director will also access discipline records via the system school information system on an as needed basis.

An IEP meeting should be held at the third office referral or fifth day of removal whichever comes first to discuss the behavior with the parent as well as update or complete a Functional Behavior Assessment and Behavior Intervention Plan for the student. In the event that disciplinary changes in placement would exceed 10 school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability (see manifestation section of this manual) under this Rule, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except as provided in (Section e) of the Discipline Rule shown below.

(e) A child with a disability who is removed from his or her current placement for more than 10 school days must:

1. Continue to receive educational services, as provided in Rule 160-4-7-.02 Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP ; and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are

designed to address the behavior violation, so it does not recur. In the event that a student with a disability reaches three office referrals or five days of removal from the current setting an FBA and BIP should be implemented. Case managers should contact the parent to seek permission to complete the FBA. The IEP committee should then meet to discuss the results of the FBA and complete a BIP based on the information from the FBA.

3. The LEA is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed.
4. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, should determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals set out in the child's IEP.
5. If the removal is for more than 10 school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services/placement needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
6. The services required in (e) may be provided in an interim alternative educational setting.

SPECIAL CIRCUMSTANCES

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

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA; or
3. Has inflicted serious bodily injury upon another person while at school, on school related activities/field trips.

Manifestation Determination

The Director of Special Education should be notified of any required Manifestation Determination. The SPED Director is the facilitator of every Manifestation Determination Meeting unless a designee is appointed.

When required:

A Manifestation Determination is **only** required when the school is proposing to change the student's placement. A Change of placement is removal from current setting for more than 10 consecutive or cumulative school days.

Who Conducts the Manifestation Determination?

- This is a process that is to be conducted by the local education agency, the parent, and relevant members of the IEP team (as determined by the parent and the local education agency).
- It is required that it be conducted as part of an IEP amendment meeting.

Timing of the Manifestation Determination:

- Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct.

Process of the Manifestation Determination:

- The relevant members of the IEP team review all relevant information in the student's file:
  - child's IEP (including psychological report information), o teacher reports and observations,
  - discipline record and of relevant information provided by parent o FBA and BIP if already completed
- After reviewing the relevant information, the process requires two key determinations: o If the conduct in question was caused by, or had a direct and substantial relationship to the child's disability (Did the student's disability cause him/her to misbehave?); or
  - If the conduct in question was the direct result of the local education agency's failure to implement the IEP, including the Behavior Intervention Plan.

**The IEP team should analyze the child's behavior as demonstrated across settings and across time when determining whether the conduct in question is a direct result of the disability.

Manifestation Determined:

- The relevant members of the team have determined that the conduct was the direct result of the child's disability or that it was the failure of the LEA to implement the IEP. A child with a disability should not be subject to discipline in the same manner as the non-disabled child.
  - The IEP Team **must** conduct a functional behavioral assessment and implement a behavior intervention plan to address the behavioral violation if not already done. If a behavior intervention plan was in place, the IEP Team is required to review the plan and modify it, as necessary, to address the behavior. (The BIP is to address inappropriate behaviors through education rather than punishment).
- The relevant members of the team have determined that the conduct was NOT the direct result of the child's disability.
  - The school is authorized to impose the same penalty as would be applicable to the student without a disability who has committed the same infraction.
  - If an Interim Alternative Educational Setting is proposed, the setting must be determined by the IEP team.
  - Long-term disciplinary actions can be imposed upon a student with a disability to the extent such alternatives are applied to children without disabilities when (all 3 factors must be present): ➢ the student's behavior is determined not to be a manifestation of the child's disability; **and**
    - ➢ the student is treated the same as a student without a disability would be treated for the same infraction; **and**
    - ➢ the school continues to make FAPE available.

NOTE: A student does not have to have EBD eligibility for the behavior to be a manifestation of his/her disability.

Federal and State Laws Apply: (mandatory reporting to law enforcement)

- A student can be removed from school, for up to 45 school days, without regard to whether the behavior is determined to be a manifestation of the child's disability for:

- **Weapons**: If a student carries or possesses a weapon (to/at school, on school premises, or at a school function)
- **Drugs:** If the student knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances (to/at school, on school premises, or at a school function.
- **Serious Bodily Injury:** If a student has inflicted bodily injury upon another person (to/at school, on school premises, or at a school function)

- Serious bodily injury - involves a) a substantial risk of death, b) extreme physical pain, c) protracted and obvious disfigurement; or d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Special Circumstances related to a manifestation of disability/not a manifestation of disability:

- If the behavior is determined to be a manifestation of the disability the student's removal cannot exceed 45 school days
- IEP team will need to conduct an FBA and develop a BIP to address the behavior, or review and modify an existing BIP

If the behavior is not a manifestation of the disability
- The school may seek to impose a penalty that lasts longer than 45 school days based on the school district's code of conduct (for offenses related to weapons, drugs or serious bodily damage) and the student with a disability is subject to the same consequence as applied to a student without a disability.

NOTE: School officials have been authorized to "consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct."

APPEAL PROCESS

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request.

In making a determination under this Rule, the administrative law judge or hearing officer may: (i) 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 (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if 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.

PLACEMENT DURING APPEALS

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

PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

(a) A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this Rule if the LEA had knowledge (as determined in accordance with this Rule) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. 1. An LEA must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred - (i) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child is in need of special education and related services; (ii) The parent of the child requested an evaluation of the child; or (iii) The teacher of the child or other personnel of the LEA expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the LEA or to other supervisory personnel of the LEA. 2. An LEA would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability. 3. If an LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors. 4. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. 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, taking into consideration information from the evaluation conducted by the agency and the information provided by the parents, the agency must provide special education and related services.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

(a) For purposes of removals of a child with a disability from the child's current educational placement under this Rule, a change in placement occurs if: 1. The removal is for more than 10 consecutive school days, or 2. The child has been subjected to a series of removals that constitute a pattern - (i) Because the series of removals total more than 10 school days in a school year; (ii) Because the child's behavior is substantially similar to the child's behavior previous incidents that resulted in the series of removals, and; (iii) 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.

SECTION 4: PROGRESS MONITORING/PROGRESS REPORTS

Developing well written and meaningful progress reports starts with well written goals that include a statement of current performance, a goal statement, and objectives or benchmarks. Teams should use the current performance section as the starting point based on what the student is currently able to do. The goals are the end points and the objectives or benchmarks are the steps between the starting and end points. Data should be included in the current performance so progress can be clearly measured between the current performance and the benchmarks. Progress reports should reflect, in measurable terms, the student's progress toward the annual goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period. Progress reports must be sent to the parents at least as often as parents of nondisabled children are informed of their children's progress (in conjunction with report cards). In Chattooga County Schools, the frequency of reporting is determined by the IEP team and marked in GOIEP.

Progress reports must answer the following two questions for each goal:

- What is the student's progress toward the annual goal?

- Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? Team members should respond to the mandated questions by following these steps when writing their progress reports:
- Specify what the student has been working on
- List what the student has achieved
- Use measurable language where appropriate (i.e., John is greeting his peers upon arrival to school in 90% of measured opportunities)
- Indicate any stumbling blocks to progress and how the Team is responding (i.e., what refinements are or will be used to support the student's progress)
- Project whether the student will reach the annual goal if progress continues at its current pace

Progress reports may prompt the Team to amend an IEP. If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the Team should reconvene. The Team must discuss if the IEP and related goals are appropriately developed to provide the student with an opportunity to receive meaningful benefit from the educational experience necessary for FAPE. Team should determine if the student's lack of progress is disability related. If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals or adjust the expectations.

SECTION 5: PARENT ENGAGEMENT

Chattooga County Schools will implement procedures and practices to ensure parent engagement as a means of improving results for students with disabilities.

Parent Participation

The following sections include procedures related to (1) Parent Participation and (2) Complaint Process (Parent Participation Aligned with State Rules 160-4-4-.04, 160-4-4-.05, 160-4-4-.06).

- Parents are to be included as members of any decision-making team for their child to include eligibility meetings, initial evaluation, reevaluation, development of the IEP, the provision of a FAPE, and educational placement. This requirement does not include informal or unscheduled meetings involving district personnel or meetings on issues such as teaching methods, lesson plans, as long as those decisions are not addressed in the student's IEP.
- Parents are required participants in the IEP meeting and should be active participants in the development of the IEP. Typically, parents know their child very well—not just the child's strengths and weaknesses, but all the qualities that make their child unique. Parents should describe what **goals** are most important to them and to their child, share their **concerns and suggestions for enhancing their child's education**, and give insights into their son or daughter's **interests, likes and dislikes, and learning styles**. Parents can also talk about **long-term needs and goals** for the child's successful adult life.
- The case manager shall take steps to ensure **that one or both parents of a child with a disability are present** at each IEP Team meeting or are **afforded the opportunity to participate, including notifying parents of the meeting early enough** to ensure that they will have an opportunity to attend, and **scheduling the meeting at a mutually agreed upon time and place**.
- **The invitation to the IEP Team meeting shall indicate the purpose, time, and location of the meeting, participants who will be in attendance, and informs the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel**. The invitation shall also informal the parents of a child

previously served in Babies Can't Wait of their right to request than an invitation to the initial IEP Team meeting be sent to the service coordinator or other representative of Babies Can't Wait to assist with the smooth transition of services.

- If neither parent can attend an IEP Team meeting, the LEA **must** use **other method**s to ensure parent participation, **including individual or conference telephone calls or videoconferences**. A meeting may be conducted without the parents in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA **must keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits**.
- The Case Manager must take whatever action is necessary to **ensure that the parents understand the proceedings** of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English.
- The Case Manager shall provide **a copy of the IEP** to parents at no cost.
- The School Psychologist, Special Education Director, or Case Manager (whoever schedules the meeting) shall ensure that the **parents of each child with a disability are members of any group that makes decisions on the child's educational placement**.

COMPLAINT PROCESS AND DISPUTE RESOLUTION
Aligned with State Rule 160-4-7-.12

- Parents are encouraged to contact their child's Special Education Teacher and, if necessary, the School Principal when a concern arises. If concerns cannot be satisfactorily addressed at the school level parents should contact the Special Education Director.
- Resolution Meeting. A resolution can be reached in several ways. The quickest and most efficient method is for the parent(s) to contact the Special Education Director who can often assist a family working out differences with minimal time and conflict.
- Formal Complaint. Parents may file a formal complaint with the Georgia Department of Education (GaDOE) when they believe a violation of IDEA has occurred. A formal complaint investigation is a procedure to determine whether the district is complying with deferral or Georgia laws and/or regulations regarding the provision of special education and related services to children with disabilities. This investigation is conducted by the GaDOE.
- Voluntary Mediation. Mediation is a way to discuss and resolve disagreements between the parent and the district with the help of a trained, impartial third person. Mediation is offered to parents to resolve disputes. The process is voluntary and both parties (i.e. the parents and the district) must agree to mediation. Discussions during the mediation process are confidential and may not be used as evidence in any due process hearing or civil proceedings. If an agreement is reached during mediation, the agreement is legally binding in a State or District Court. The failure to carry out an agreement may also be the subject of a State complaint.
- Impartial Due Process Hearing. Parents may request a due process hearing regarding any matter related to the identification, evaluation, placement, or provision of special education and related services to the child. A hearing may be requested by the parent (or the school district) when the parties cannot agree, and other means of dispute resolution have not been successful. The request form is provided by the GaDOE and is located at the bottom of the Due Process Hearing

- Requests web page of the GaDOE website. The district will assist the parent in completing the Due Process Hearing Request Form if necessary. A due process hearing must be conducted, and the decision issued within 45 days of the request for a hearing.

SECTION 6: COLLEGE AND CAREER

All aspects of our district's college and career education programs are open to all students without regard to race, color, national origin, sex or disability status. Activities target all 5th to 12th graders through ongoing classroom lessons as well as the following planned activities and events. Promotional materials avoid stereotyping and seek to inform and educate all students, to the extent possible, who represent persons of different races, national origins, genders, and disabilities.

- Rising Freshmen Night for 8th graders
- Individualized 8th grade Registration and Advisement
- Reality Fair for 8th graders
- CTAE Flyers and Brochures
- Traveling Career Fairs at the district elementary schools
- Pathful Virtual Job Shadowing
- YouScience Snippet with 6th graders
- YouScience Snapshot with 8th graders
- YouScience Summit with 10th graders
- Annual Mobile Career Units
- 16 CTAE Pathways

Chattooga County Schools will follow policies and procedures to ensure that students with disabilities are prepared for college and/or career upon exiting high school.

Transition Service Plan:

- Completed for students during the eighth grade (prior to the 9th grade) or by age 16, whichever comes first. Student MUST be listed on the IEP Notice. The student should attend the Transition Service Plan meeting. Any outside agencies/counselors/etc… MUST also be on the invitation.
- Transition service plans must be developed for each child prior to starting high school. The plan details the student's needs based on age appropriate assessments and the course of study, career pathway the child plans to work towards.
- Must include data from a transition survey, learning style assessment, etc… (www.gacollege411.org; Brigance of Transition Skills)
- Updated at least annually and is the road map to postsecondary outcome goals (what the student plans to do after high school).
- Due process rights transfer to students at age eighteen, students must be informed each year until rights transfer.
- See DOE Website for Transition Toolbox and examples of Transition Plans. http://www.doe.k12.ga.us/Curriculum-Instruction-and-Assessment/Special-EducationServices/Pages/Transition-.aspx

Chattooga County School System Transition Checklist

_____I. Transition Decision

a.) Check Yes/No according to whether or not student needs a transition. SAVE

_____II. Preferences/Strengths/Interests/Course of Study/ based on PLOP and Transition Assessments a.) Click on Interests & Goals Tab.

b.) Complete the text box with the same information as before with SEMS.

c.) Date and name of assessment is required.

d.) The course of study drop down box is required as documentation for their career pathway choice.

_____III. Measurable Post-Secondary Outcomes/Goals

a.) Click on Add Outcome

b.) Choose the area for your outcome. Remember Education/Training and Employment is required.

c.) Type your outcome into the box that opens. These are the outcomes for after graduation! SAVE

d.) Next, click on the green + to add goals to reach the outcomes.

e.) Type your goal into the text box. Remember cannot be something that all students are required to

d). Then choose an evaluation method/with/activity type.

f.) Type your activities into the next text box

g.) Type the person/agency involved names in the next text box.

h.) An expected date of completion is required. This should be one day before the IEP/Transition is out of date.

_____IV. Graduation Plan

a.) Click on Graduation Plan Tab.

b.) Complete date entered 9th grade.

c.) Click on the 4/5/6 year plan buttons for the student.

d.) Type in the projected exit/graduation date.

e.) Click on the button next to the type of diploma.

f.) Click Yes/No if graduation requirements have been explained to the parents.

g.) Type local graduation requirements in the text box. (9th grade Keyboarding class)

h.) Type in the date student was informed of transfer of rights. This must be completed even if not the age of 17. Review transfer of rights and update each year when transition is discussed.

SECTION 7: LOCAL EXPECTATIONS FOR SPECIAL EDUCATION TEACHERS

IEP Procedures:

- Special Education teachers employed by the Chattooga County School System are expected to follow all procedures.
- Annual Review Meetings should be scheduled no later than 4 weeks prior to the ending date to ensure that if the meeting needs to be rescheduled the IEP will not expire.
- The reevaluation data review is due every third year. To ensure that no student's eligibility lapses a meeting should be held to discuss eligibility. This may be done at the Annual Review prior to the expiration date of the current eligibility. The requirement for Chattooga County will be that the reevaluation data review meeting be held prior to the countdown for eligibility counter reaching 180 days/excluding June and July for the student.
- Teachers should have a draft IEP ready to be checked by the school representative 3 school days before the meeting.

- Please be cognizant of the fact that this person checks many IEPs and therefore cannot review an IEP without appropriate notice.
- A draft copy of the IEP should be provided at the meeting with changes made via the computer as needed during the meeting.
- Parents MUST receive a finalized copy of the IEP within 10 days of the meeting. This is Chattooga County School Systems offer of a Free Appropriate Public Education (FAPE).
- A copy of all paperwork should be sent to the Chattooga County Board of Education office at the same time it is provided to the parent. This will be monitored closely by the Special Education Director, Administrative Assistant, and School Representative. The lack of compliance with this expectation may affect your annual evaluation.
- Multiple methods of contact with the parent MUST be documented before a meeting is held. MINIMUM OF 3!
- If the parent does not show up for a meeting you MUST contact them before proceeding. Offer a phone conference. This counts as parent participation. Once you have rescheduled a meeting three times and the parent still does not attend you may continue however this should be on RARE occasions. Best practice would still be to try and contact the parent. DOCUMENTATION is the key!!
- All required documents must be uploaded into the documents tab of the student's GO IEP profile.

Progress Reports:
Progress reports **detailing** progress on IEP goals and objectives should be sent home every two, four, six, eight or nine weeks (whichever the IEP team decides) from the start date of the IEP services.

Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP):
- Each student that is eligible as a student with an Emotional/Behavioral Disorder must have a goal to address the behavior need or a Functional Behavior Assessment and Behavior Intervention Plan.
- If a student with a disability is referred to the office for discipline a minimum of five times, then an FBA must be performed and a BIP must be created.
- Copies of the FBA and BIP must be with the IEP in the due process folder both at the school and the board office.
- Progress Monitoring of behavior must be completed whether with an IEP goal or BIP.
- Any SWD placed in an alternative setting MUST have a FBA and BIP prior to placement unless there is a weapons/drug/serious bodily injury charge etc…

FTE Procedures:
- Each school will complete the FTE reporting form provided to them for each student served.
- This report is given to the data clerk at each school.
- After all information is completed, the data clerks check for errors returned via Infinite Campus. These are corrected with teacher input and or SPED director input.
- Once errors are corrected the School Information Specialist (SIS) prints a report of all SPED FTE data for the SPED Director to review.
- The SPED Director reviews the data and compares to the IEP as needed.
- If issues are noted, the SPED director contacts the data clerk to resolve the problems.
- After SPED Director addresses all school level issues the (SIS) prints another report for review by the director.
- Once this is finalized, the SIS uploads and signs off on the FTE report.

SECTION 8: FREE APPROPRIATE PUBLIC EDUCATION (FAPE) 160-4-7-.02

A free appropriate public education (FAPE) must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school. If a student is receiving services upon reaching age 22, the LEA shall have a written procedure that identifies a process for completing services to which the adult student has been previously entitled. LEAs shall state in writing that the goal is to secure the successful transition of students to their desired post-school outcomes and will collaborate to complete that transition by age 22. If a student is still attending school at age 22, the LEA shall state whether services will cease on the student's 22nd birthday, or will continue until the end of the semester or until the end of the current school year. If an adult student remains after their 22nd birthday, the LEA shall notify the adult student and the parent(s) that although services will continue, no individual entitlement to FAPE or other rights under IDEA are afforded the adult student.

FAPE for children beginning at age 3 Each
LEA must ensure that:

1. The obligation to make FAPE available to each eligible child residing in the LEA 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.
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.

Children advancing from grade to grade

1. Each LEA must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.
2. The determination that a child described above is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.

EXCEPTIONS TO FAPE FOR CERTAIN AGES

The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

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

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

DELAY OF SERVICES

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

PUBLIC INSURANCE OR BENEFITS

LEA may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted by the public benefits or insurance except - (i) With regard to services required to provide FAPE, the LEA may not require the parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE; (ii) The LEA may not require the parents to incur any out-of-pocket expenses such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided. The LEA shall obtain parental consent prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, and after providing notification to the child's parents.

RESIDENTIAL PLACEMENT

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

ACCESSIBLE INSTRUCTIONAL MATERIALS

LEAs will provide print instructional materials in specialized, accessible formats (i.e. Braille, audio, digital, large-print, etc.) to children who are blind or other print disabled in a timely manner. LEAs will take all reasonable steps to ensure that children with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities.

ASSISTIVE TECHNOLOGY

(a) Children with disabilities who require assistive technology in order to receive a free appropriate public education (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. (b) Each IEP Team will consider whether or not a child requires assistive technology devices and services in order to receive a free appropriate public education (FAPE). Minimal compliance will be indicating the appropriate response in the Consideration of Special Factors section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille. (c) An assistive technology evaluation may be required if appropriate assistive technology solutions are not known to the child's IEP Team through the consideration process. This evaluation shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The child and family should also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required. (d) If the child's IEP Team determines that assistive technology devices or services are required for the child to receive a FAPE, a statement to that effect must be included in the child's IEP. 1. If assistive technology is required for the child to participate in districtwide 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 assistive technology should be documented in the IEP and provided to the child. (e) If the IEP Team determines that the child with a disability requires school-purchased assistive technology at home or in other settings to receive a FAPE, the assistive technology must be provided to the child at no cost to the parent. The need for assistive technology in the non-school settings should be documented in the child's IEP.

EXTENDED SCHOOL YEAR SERVICES

Each LEA must ensure that extended school year services are available as necessary to provide a FAPE.

NONACADEMIC SERVICES

Each LEA must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA and assistance in making outside employment available.

PHYSICAL EDUCATION

Physical education services, specially designed, if necessary, must be made available to every child with a disability receiving FAPE, unless the LEA enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless - 1. The child is enrolled full time in a separate facility; or 2. The child needs specially designed physical education, as prescribed in the child's IEP.

CHARTER SCHOOLS

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. Each LEA must 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 supplementary 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. If the public charter school is an LEA, that charter school is responsible for ensuring that all of these requirements are met.

PROGRAM OPTIONS

Each LEA shall take steps to ensure that children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the LEA, including art, music, and Career, Technical and Agricultural Education.

ROUTINE CHECKING OF HEARING AIDS/OTHER COMPONENTS

Each LEA must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. Each LEA must ensure that the external components of surgically implanted medical devices are functioning properly. The LEA is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Teachers of the hearing-impaired conduct routine checks to ensure hearing aids and other external components of surgically implanted medical devices worn by students who are deaf or hearing impaired are functioning properly. Documentation of the checks is kept on file by the teacher of the hearing impaired.

PROHIBITION ON MANDATORY MEDICATION

Each LEA must prohibit personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation or receiving services. Nothing above shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroombased observations with parents or guardians regarding a child's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services as it relates to child find.

SECTION 9: LEAST RESTRICTIVE ENVIRONMENT (LRE) 160-4-7-.07

Each LEA shall have policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia shall be educated with children who are not disabled. Special classes, separate schooling or other removal of children with disabilities from the regular class environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

DETERMINING EDUCATIONAL PLACEMENTS

In determining the educational placement of a child with a disability, including a preschool child with a disability, each LEA must ensure that the placement decision: 1. Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and 2. Is made in conformity with the LRE provisions contained in this rule. The child's placement is determined at least annually, is based on the child's IEP and is as close as possible to the child's home; Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled; In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

CONTINUUM OF ALTERNATIVE PLACEMENTS

Each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Preschool placements include: (1) A regular education early childhood program in the public school or community (such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare), and preschool programs with special education services delivered as; (i) Additional supportive services. The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others. School age placements: 1. General education classroom with age-appropriate non-disabled peers, if required by the IEP: (i) Additional supportive services. The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others. (ii) Direct services. The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis. 2.

Instruction outside the general classroom for individuals or small groups. 3. Separate day school or program. 4. Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations: (i) A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP; (ii) home-based services must be reviewed no less than quarterly by the IEP team; and (iii) all IEPs that require home-based placements will include a reintegration plan for returning to the school setting. 5. Residential placement in-state or out-of-state. 6. Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. The LEA shall provide hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

NONACADEMIC SETTINGS

Extracurricular services and activities, including meals, recess periods, and other services and activities, each LEA shall ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The LEA must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings. Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

SECTION 10: PROCEDURAL SAFEGUARDS/PARENT RIGHTS 160-4-7-.09

The term “Procedural Safeguards Notice” also refers to the document commonly identified as “Parent Rights” which, must be given to parents only one time per school year, except that a copy shall also be given to parents in the following circumstances:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first request for a due process hearing in a school year;
- Upon notification by the LEA to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct;
- Prior to accessing a child’s or parent’s public benefits or insurance for the first time; and
- Upon request by the parent.
- The parent may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail, if the LEA makes that option available.

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

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to education records;
5. Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing;

6. The availability of mediation;
7. The child's placement during the pendency of any due process hearing;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private school at public expense;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Appeals of due process hearings, including the time period in which to file those actions; 12. Attorneys' fees; and
13. Notice provided in a language understandable to the parents.

PARENTAL OPPORTUNITY TO EXAMINE 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.

PARENTAL PARTICIPATION IN MEETINGS

The parents of a child with a disability must 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. 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. 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.

INDEPENDENT EDUCATIONAL EVALUATION

Independent educational evaluation 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. 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. 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. 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. 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. The LEA must 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. 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 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. 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.

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;
2. Conducting any re-evaluation of a child with a disability;
3. Providing initial special education and related services to a child with a disability;
4. Disclosing personally identifiable information;
5. Accessing a child's or parent's public benefits or insurance for the first time.

Consent for initial evaluation shall not be construed as consent for initial provision of special education and related services. The LEA must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

PARENTAL REFUSAL / CONSENT

If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, the LEA will not be considered in violation of the requirement to make FAPE available to the child for which the LEA sought consent. If the parent refuses to consent to the re-evaluation, the LEA may, but is not required to, pursue the re-evaluation by using the consent override procedures by accessing the mediation or due process hearing procedures.

CONSENT NOT REQUIRED

Parental consent is not required before: Reviewing existing data as a part of an evaluation or re-evaluation; or administering a test or other evaluation that is administered to all children unless consent is required of parents of all children.

REVOCATION OF CONSENT

Revocation of consent to provide special education and related services is for all special education and related services, not individual services. The intent to withdraw the child from special education and related services must be made in writing by the parent to the LEA.

PARENTAL TRAINING AND AWARENESS

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

SECTION 11: SURROGATE PARENT 160-4-7-.11

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 the LEA when:

1. No parent can be identified;
2. The LEA, after reasonable efforts, cannot locate the parents;

3. The child is a ward of the State under the laws of Georgia; or
4. The child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act.

Each LEA shall have procedures to determine that a child needs a surrogate parent and the assignment of an individual to act as a surrogate for the child. Each LEA responsible for educating children with disabilities shall maintain a list of eligible persons to serve as surrogate parents. 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.

Each LEA must ensure that a person selected as a surrogate parent - (i) Is not an employee of the GaDOE, the LEA or any other agency that is involved in the education or care of the child; (ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and (iii) Has knowledge and skills that ensure adequate representation of the child.

The surrogate parent may represent the child in all matters relating to - (a) The identification, evaluation, and educational placement of the child; and (b) The provision of FAPE to the child.

SECTION 12: PERSONNEL, FACILITIES AND CASELOADS 160-4-7-.14

Maintenance of current credentials shall be the ongoing responsibility of any professional employed by or under contract with an LEA. Maintenance of records of current credentials shall be the ongoing responsibility of the LEA. The LEA shall recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities. 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.

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.

APPENDIX A - CLASS SIZES AND CASELOADS

PROGRAM AREA	DELIVERY Self-contained (SC) Resource (R)	MAXIMUM CLASS SIZE W/O Para	With Para*	CASE-LOAD
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.

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

Note: Children, with an IEP designating the service location for the delivery of goals and objectives to be the regular classroom environment, shall be reported in their special education program category if instruction is provided in a:

A. Team/Collaborative Model; or
B. Consultative Model.