

Chickamauga City School District Special Education Procedures Manual



“Working Together to Ensure a Tradition of Excellence Continues...”

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Chickamauga City School District

Mission: Chickamauga City Schools will provide a challenging and engaging educational program to meet the needs of all learners.

Vision: Chickamauga City Schools will instill within students the character, knowledge and essential skills needed to succeed in a global economy.

Beliefs:

- All students can learn.
- Student learning is the priority of our school system.
- A highly qualified staff committed to continuous improvement is essential for increased student achievement.
- Rigorous expectations and educational support lead to greater student success.
- Character education, equity, and respect for diversity are important in the development of the whole child.
- It is essential to build strong, positive relationships in order to provide students with a safe learning environment.
- Education is a partnership among students, parents, school and community.
- School must prepare students for a rapidly changing future.
- Collaboration, problem solving, use of technology and communication are essential skills.

Values:

- Integrity
- Trust and Honest Communication
- Stakeholder Participation
- Common Understanding, Shared Vision and Responsibility
- Data Analysis
- Continual Self Evaluation and Improvement
- Efficient and Effective Operations
- Commitment and Excellence
- Accountability

“Working Together to Ensure a Tradition of Excellence Continues...”



CHICKAMAUGA CITY SCHOOL DISTRICT SPECIAL EDUCATION PERSONNEL

Meghan Dent
Director of Special Education

Angela Elliott

Chickamauga City Schools
Educational Diagnostician

Ashley DiMaiolo

Gordon Lee High School
Special Education Teacher

Nic Hann

Gordon Lee High School
Special Education Teacher

Candice Frost

Gordon Lee Middle School
Special Education Teacher

KC King

Gordon Lee Middle School
Special Education Teacher

Jennifer Blaylock

Chickamauga Elementary School
Special Education Teacher

Joy Shell

Chickamauga Elementary School
Special Education Teacher

Diana Doyle

Chickamauga City Schools
School Psychologist

Mike Dunfee

Gordon Lee High School
Special Education Teacher

Chris King

Gordon Lee High School
Special Education Teacher

Marissa Hann

Gordon Lee Middle School
Special Education Teacher

Jake Wright

Gordon Lee Middle School
Special Education Teacher

Ashley Jones

Chickamauga Elementary School
Special Education Teacher

Pam Hosterman

Chickamauga Elementary School
Speech & Language Pathologist

The following individuals are responsible for ensuring that all requirements for confidentiality of personally identifiable information are adequately met for students with disabilities.

Designated Person	Location
Meghan Dent	Central Office
Ashley DiMaiolo	Gordon Lee High School
Candice Frost	Gordon Lee Middle School
Ashley Jones	Chickamauga Elementary School

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

State Rule: 160-4-7-.02

GaDOE Implementation Manual: Free Appropriate Public Education (FAPE)

All students with an Individual Education Program (IEP) are entitled to a free appropriate public education (FAPE). This includes children who are eligible for special education services between the ages of 3 and 21, inclusive, including children with disabilities between the ages of three (3) through twenty-one (21).

If a student is receiving services upon reaching age 22, the Chickamauga City School District has written procedures that identify a process for completing services to which the adult student has been previously entitled. Chickamauga City School District 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 Chickamauga City School District 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 Chickamauga City School District 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

The Chickamauga City School District will ensure that:

1. The obligation to make FAPE available to each eligible child residing in the Chickamauga City School District 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.

FAPE for children advancing from grade to grade

The Chickamauga City School District will ensure that:

1. 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 in the Chickamauga City School District for making eligibility determinations.

FAPE for incarcerated students

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:
 - Were not actually identified as being a child with a disability;
 - Did not have an IEP in effect; and
 - Graduates from high school with a regular high school diploma. This constitutes a change in placement, requiring written prior notice.
2. The exception does not apply to adult students with disabilities, aged 18 through 21, who:
 - Had been identified as a child with a disability and had received services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail;
 - Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability; or
 - Have graduated from high school but have not been awarded a regular high school diploma.
 - The term regular high school diploma does not include an alternative degree that is not aligned with the State's academic standards such as a special education diploma, certificate of attendance or a general educational development credential (GED).

The Chickamauga City School District will 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. Children with disabilities who are covered by public benefits or insurance.

1. The Chickamauga City School District 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 – With regard to services required to provide FAPE, the Chickamauga City School District
 - 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;
 - 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, but may pay the cost the parents would otherwise be required to pay; and
 - May not use a child's benefits under a public benefits or insurance program if that use would-
 - Decrease available lifetime coverage or any other insured benefit;
 - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and are required for the child outside of the time the child is in school;
 - Increase premiums or lead to the discontinuation of benefits or insurance; or

- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenses; and

The Chickamauga City School District shall obtain parental consent prior to accessing a child's or parent's public benefits or insurance for the first time and after providing notification to the child's parents consistent with paragraph (3)(d)3. of this rule. The parental consent to access a child's or parent's public benefits or insurance shall meet the requirements of 34 C.F.R. § 99.30 and 34 C.F.R. § 300.622 by:

- Specifying the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the .02-4 FAPE disclosure (e.g., billing for services provided under IDEA), and the agency to which the disclosure may be made (e.g. the Georgia Department of Community Health);
- Specifying that the parent understands and agrees that the Chickamauga City School District may access child's or parent's public benefits or insurance to pay for services provided under IDEA.

3. Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the Chickamauga City School District shall provide written notification to the child's parents consistent with 34 C.F.R. § 300.503(c) that includes a statement:

- Of parental consent provisions in 34 C.F.R. § 300.154(d)(2)(iv)(A)-(B);
- Of the "no cost" provisions in 34 C.F.R. § 300.154(d)(2)(i)-(iii); (iii)
- That the parents have the right under 34 C.F.R. part 99 and 34 C.F.R. part 300 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program at any time; and
- That the withdrawal of consent or refusal to provide consent under 34 C.F.R. part 99 and 34 C.F.R. part 300 to disclose personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program does not relieve the Chickamauga City School District of its responsibility to ensure that all required services are provided at no cost to the parents.

Children with disabilities who are covered by private insurance. With regard to services required to provide FAPE to an eligible child, the Chickamauga City School District may access the parents' private insurance proceeds only if the parents provide consent.

Each time the Chickamauga City School District proposes to access the parents' private insurance proceeds, the Chickamauga City School District must –

- Obtain parental consent; and
- Inform the parents that their refusal to permit the Chickamauga City School District to access their private insurance does not relieve the Chickamauga City School District of its responsibility to ensure that all required services are provided at no cost to the 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

Chickamauga City School District 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. Chickamauga City School District 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.

1. Print instructional materials include textbooks and related core materials that are required by the Chickamauga City School District for use by children in the classroom.
2. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities.
 - Specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.
3. Children who are blind or print disabled include:
 - Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.
 - Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
 - Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
 - Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.
4. The following groups of individuals are eligible to certify children who are blind or other print disabled for specialized format instructional materials:
 - In cases of blindness, visual disability, or physical limitations “competent authority” is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents).
 - In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

(b) In order to ensure the timely provision of high quality, accessible instructional materials to children who are blind and other print disabled, Chickamauga City School District will adopt the National Instructional Materials Accessibility Standard (NIMAS).

1. The NIMAS refers to a standard for source files created by textbook publishers for the purpose of producing accessible instructional materials. NIMAS files are not child ready files and will be used by authorized users and entities to produce accessible materials for children who are blind and visually impaired.
2. Children who are certified as blind or other print disabled are eligible to receive accessible instructional materials produced with NIMAS files.

(c) Chickamauga City School District will coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production and delivery of accessible materials to children who are blind or other print disabled.

1. The NIMAC refers to the central repository, which is responsible for processing, storing, and distributing NIMAS files of textbooks and core instructional materials.
2. Chickamauga City School District must provide written assurances to the GaDOE regarding their intention to coordinate with the NIMAC.
3. Chickamauga City School District coordinating with the NIMAC will require textbook publishers to deliver the contents of the print instructional materials to the NIMAC in a NIMAS format file on or before delivery of the print instructional materials. The files will be used in the production of accessible instructional materials.
4. Chickamauga City School District coordinating with the NIMAC may also purchase instructional materials from the textbook publishers that are produced in or may be rendered in a specialized format.

(d) If Chickamauga City School District chooses not to coordinate with the NIMAC, assurances must be made to the GaDOE that the Chickamauga City School District will provide accessible instructional materials to children who are blind or other print disabled in a timely manner. Chickamauga City School District will take all reasonable steps to ensure that students with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities.

1. If Chickamauga City School District does not coordinate with the NIMAC will be responsible for purchasing, producing, or otherwise providing high-quality, accessible instructional materials in specialized formats in a timely manner for children who are blind or print disabled. Chickamauga City

School District will take all reasonable steps to ensure that students with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities.

(e) Chickamauga City School District is also responsible for providing accessible materials to children who require instructional materials in accessible formats, but who do not qualify for the materials under the definition of blind and other print disabled or who need materials that cannot be produced from NIMAS.

(f) Some children who require accessible instructional materials will need assistive technology to access the materials (e.g. text reader to read digital file, screen magnification program to read digital file).

Assistive Technology

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.

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.

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.

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.

- 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.
- 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.
- 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

The Chickamauga City School District will ensure that extended school year services are available as necessary to provide a FAPE.

1. Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.
2. In implementing the requirements of this section, the Chickamauga City School District may not:
 - Limit extended school year services to particular categories of disability; or
 - Unilaterally limit the type, amount, or duration of those services.

Extended school year services mean special education and related services that are provided to a child with a disability:

- Beyond the normal school year of the Chickamauga City School District;
- In accordance with the child's IEP;
- At no cost to the parents of the child; and
- Meet the standards of the State.

Nonacademic Services

The Chickamauga City School District will 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 Chickamauga City School District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the Chickamauga City School District and assistance in making outside employment available.

Physical Education

The Chickamauga City School District will ensure that its public schools comply with the following:

- Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless Chickamauga City School District 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.
3. If specially designed physical education is prescribed in a child's IEP, the Chickamauga City School District is responsible for the education of that child and must provide the services directly or make arrangements for those services to be provided through other public or private programs.
4. The Chickamauga City School District is responsible for the education of a child with a disability who is enrolled in a separate facility and must ensure that the child receives appropriate physical education services in compliance with this Rule.

Full Educational Opportunity Goal (FEOG)

The Chickamauga City School District will have in effect policies and procedures to demonstrate that the Chickamauga City School District has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal.

Charter Schools

Children with disabilities who attend public charter schools and their parents retain all rights to a FAPE as described in this Rule.

Chickamauga City School District must ensure that charter schools that are public schools of the Chickamauga City School District must :

- Serve children with disabilities attending those charter schools in the same manner as the Chickamauga City School District 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 Chickamauga City School District has a policy or practice of providing such services on the site to its other public schools.
- Provide funds to those charter schools at the same time and on the same basis as the Chickamauga City School District provides funds to Chickamauga City School District's other public schools, including proportional distribution based on relative enrollment of children with disabilities.
- If the public charter school is an Chickamauga City School District, that charter school is responsible for ensuring that all of these requirements are met.

Program Options

The Chickamauga City School District will 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 Chickamauga City School District, including art, music, and Career, Technical and Agricultural Education.

Routine Checking of Hearing Aids/Other Components

The Chickamauga City School District will ensure that:

- Hearing aids worn in school by children with hearing impairments, including deafness, are inspected to ensure functioning properly. Students with hearing aids will have them checked daily by the child's case manager, speech/language pathologist, or school nurse. 1. Inspect earmold for proper fit. 2. Inspect earmold and tubing for dirt, wax, and cracks. 3. Inspect hearing aid case for dirt, wax, and rust/corrosion. 4. Inspect all switches for correct setting. 5. Check battery with batter tester. 6. Check canal portion of earmold for distortion, static, cutting on/off, and other noises. Rotate volume control and listen for irregularities. 7. Check battery contacts for corrosion- can clean with an alcohol swab if necessary. 8. Record appropriate information on Hearing Aid Checklist Form and notify the Director of Special Education if problems are noted.
- The external components of surgically implanted medical devices are functioning properly. The Chickamauga City School District is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Prohibition on Mandatory Medication

The Chickamauga City School District prohibits personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act for a child as a condition of attending school, receiving an evaluation or receiving services.

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

CHILD FIND PROCEDURES

State Rule: 160-4-7-.03

GaDOE Implementation Manual: Child Find

GaDOE Implementation Manual: Young Children

Child Find is a process that the Chickamauga City School District uses to identify, locate, and evaluate all children in the district, ages 3 through 21, who are suspected of having disabilities that may result in a need for special education and related services. The Chickamauga City School District has policies and procedures in place to ensure the identification, location, and evaluation of all suspected children with disabilities who are in need of special education and related services. The Director of Special Education will monitor compliance with Child Find procedures.

The Chickamauga City School District ensures that before conducting any significant activity that is designed to identify, locate or evaluate children, annual notice will be published or announced in newspapers or other media, or both, to notify parents of this activity. The Director of Special Education will provide annual public notification in the local newspaper (Walker County Messenger), district website and flyers in local daycare facilities.

The Chickamauga City School District will provide for the screening and evaluation of all children with suspected disabilities birth through age 21 to include:

- Children birth through age three. The Chickamauga City School District may fulfill its child find responsibility through referral to the Babies Can't Wait early intervention program;
- Preschool children, ages 3-5, whom may not be enrolled in a Georgia funded pre-kindergarten, including children who are parentally placed in private preschools or daycare centers outside the district;
- Children enrolled in the Chickamauga City School District including public charter schools;
- Children who are suspected of being children with disabilities and in need of special education, even though they are progressing from grade to grade;
- Highly mobile children, including migrant children;
- Children who are detained or incarcerated in city/county operated jails or correctional facilities;
- Children who reside in the Chickamauga City School District and are enrolled in home school/study programs;
- Parentally-placed private school children;
- Children enrolled by their parents in private, including religious, elementary and secondary schools located in the Chickamauga City School District's jurisdiction.

CHILD FIND PROCEDURES

A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

Chickamauga City School District will submit to the Georgia Department of Education (GaDOE), in an electronic format specified by GaDOE, data requested by the GaDOE on all children ages three through twenty-one who have been found eligible for special education and related services. All data shall be accurate and timely.

INTERVENTIONS PRIOR TO REFERRAL

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

Prior to referring a student for consideration for eligibility for special education and related services, a student must have received scientific, research or evidence-based interventions selected to correct or reduce the academic, social or behavioral problem(s) the student is having.

Student referrals must be accompanied by documentation of scientific, research or evidence based academic and/or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or State approved grade-level standards within a reasonable time frame. IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multitiered system of supports, including the use of scientific, research, or evidence-based interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)(b). If a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement). Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions must not be a reason for determining that a child is not eligible for special education services.

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

INITIAL EVALUATIONS AND REEVALUATIONS PROCEDURES

State Rule: 106-4-7-.04

GaDOE Implementation Manual: Evaluation and Reevaluation

Initial Evaluations

The Chickamauga City School District conducts a full and individual initial evaluation before the initial provision of special education and related services to a student with a disability. The district ensures that evaluation procedures are established and implemented that meet the requirements of this Rule.

Timeline for Initial Evaluations

The district has 60 calendar days to complete the evaluation process with completion being defined as when an eligibility report is completed. Development and implementation of the Individual Education Program (IEP) can take up to 30 additional days. The 60-calendar day timeline begins when a district employee receives the signed consent. However, there are a few exceptions to this rule:

- If the permission is received less than 30 days before students' last day of school, the 60 days may be split between the current and next school year.
- Holiday periods and other circumstances when students are not in attendance for 5 or more consecutive days do not count toward the 60-calendar day timeline, including the weekend days before and after the holiday period.
- Any summer vacation period in which the majority of the district's teachers are not under contract is not included in the 60-calendar day timeline for evaluation.

LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline. However, the eligibility decision should be made within a reasonable period of time following the completion of the evaluation. As a matter of best practice, within 10 calendar days of the completion of the evaluation report(s), an eligibility meeting should be held. Development of the Individualized Education Program (IEP) can take up to 30 additional days.

Exceptions to the 60-Calendar Day Timeline for Initial Evaluations

The 60-calendar day timeline does not apply:

- If the parent of a child repeatedly fails or refuses to produce the child for the evaluation.
- If the child enrolls in another school district after the 60-calendar day timeline has begun, but before a determination of eligibility has been made. This only applies if the subsequent district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and subsequent district have agreed to a specific time when the evaluation will be completed.

- If extenuating circumstances, e.g., illness, unusual evaluation needs, or revocation of parent's consent for evaluation affect this timeline, the district will document the exceptions

Parental Consent for Evaluation

Before an evaluation can begin, the district must obtain a signed, informed parental consent for evaluation from the student's parent or guardian. Reasonable efforts must be made to obtain the informed consent. To meet the reasonable efforts requirement, the district must document its attempts to obtain parental consent using procedures that may include:

- Detailed records of phone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents, including the mode in which it was sent (mail, handed to parent, etc...) and any responses received
- Detailed records of visits made to the parent's or guardian's home or place of employment and the results of those visits

If the parent or guardian refuses consent for the evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue the initial evaluation through mediation and impartial due process hearing procedures provided for in the procedural safeguards.

If the child is home schooled or placed by the parents in a private school at their own expense and the parent does not provide consent for the initial evaluation or the reevaluation, or parent fails to respond to a request to provide consent, the district may not use the consent override procedures, and the district is not required to consider the child as eligible for services.

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

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

Parental consent is not required for the district before:

- Reviewing existing data as part of an evaluation or a reevaluation; or
- Administering a test or other evaluation that is administered to all students without consent for evaluations; or unless; or
- Screening a student to determine appropriate instructional strategies for curriculum implementation.

Reevaluations

A reevaluation of a student with a disability is conducted at least once every 3 years, unless the parent and district agree that a reevaluation is unnecessary.

1. If the district determines that the educational or related service needs, including improved academic achievement and functional performance, of the student warrants a reevaluation; or
2. The student's parent or teacher requests a reevaluation.

A reevaluation may not occur more than once a year unless the parent and the district agree otherwise.

The district must provide written notice to the parent and must obtain informed parental consent prior to conducting any reevaluation of a student with a disability. If the parent doesn't respond then the district may move forward with the reevaluation if the district has documented reasonable, multiple and varied measures to obtain such consent.

Evaluation Procedures

The district will provide notice to the parents of a student suspected of a disability, in accordance with all notice requirements as described in Rule 160-4-7-.09 Procedural Safeguards/Parent Rights.

In conducting an evaluation, the district must:

1. Use a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability; and the content of the child's individualized education program including information related to enabling the child to be involved in and progress in the general curriculum.
2. Not use any single procedure as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
4. Ensure that assessments and other evaluation materials used to assess a child are:
 - selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; and

- used for the purposes for which the evaluations or measures are valid and reliable; and
 - administered by trained and knowledgeable personnel; and
 - administered in accordance with any instructions provided by the producer of the assessments.
5. Assess in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Evaluation tools and strategies are used which provide relevant information that directly assists persons in determining the educational needs of the child.

Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

Assessment selection and administration is such that, when administered to a child with impaired sensory, manual or speaking skills, the results accurately reflect the child's aptitude or achievement level, or whatever other factors the assessment purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills, except where those skills are the factors which the assessment purports to measure.

If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions, i.e., the qualifications of the person administering the test or the method of test administration must be included in the evaluation report.

In evaluating each child with a disability under this rule, the evaluation shall be sufficiently comprehensive to identify all the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.

Evaluations of children with disabilities who transfer from one district to another district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and expeditiously as possible, to ensure prompt completion of full evaluations.

The evaluation of children referred because of learning and/or behavior problems is the responsibility of a multidisciplinary evaluation team.

For children who require a psychological and clinical evaluation, it must be conducted by a qualified psychological examiner:

- Initial evaluation results used for consideration of eligibility for special education, if not provided by a school psychologist with a valid S-5 (or higher) certificate in school psychology, shall be from one of the following: (I) A psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in

school psychology or child clinical psychology. (II) A full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training. (III) A Georgia Merit System employee who has a classification rating of psychologist, senior psychologist, or psychology program specialist.

Review of Existing Evaluation Data

As part of an initial evaluation and reevaluation, the parent and other qualified professionals must review existing evaluation data on the student, including:

1. Evaluations and information provided by the parents of the child
2. Current classroom-based, local, or State assessments and classroom-based observations
3. Observations by teachers and related services providers.

On the basis of that review and input from the child's parents, identify what additional data, the IEP/eligibility team will identify additional data needed, if any, to determine:

- Whether the child is a child with a disability, or in case of a reevaluation, whether the child continues to have such a disability and the educational needs of the child
- The present levels of academic achievement and related developmental needs of the child
- Whether the child needs special education and related services, or in the case of a reevaluation, whether the child continues to need special education and related services
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP
- Whether or not the child can participate, as appropriate, in the general curriculum.

The parent and other qualified professionals may conduct its review without a meeting.

If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the district must notify the child's parents of that determination and the reasons for it and notify the parents of the right to request an evaluation to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

The district is not required to conduct an evaluation to determine whether the child continues to be a child with a disability unless requested by the child's parents.

Evaluations Before Change in Eligibility

The district must evaluate a student with a disability before determining that the student is no longer a child with a disability.

The evaluation is not required before termination of a student's disability due to graduation from high school with a regular education diploma, or due to exceeding the age eligibility for FAPE.

However, the district must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's post-secondary goals.

Determination of Eligibility

Upon completion of the administration of tests and other evaluation measures, a group of qualified professionals and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child.

The district will provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parents.

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; or
- lack of appropriate instruction in math; or
- limited English proficiency; or
- the child does not otherwise meet the program area eligibility criteria for a child with a disability.

In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, the district must:

- Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background and adaptive behavior;
- Ensure that information obtained from all of these sources is documented and carefully considered.

If a determination is made that a child has a disability, the disability affects educational performance (academic, functional and/or developmental) and the child needs special education and related services, an eligibility document and IEP must be developed for the child.

REEVALUATION PROCESS (REEVALUATION DATA REVIEW)

A reevaluation is considered at least every 3 years. When it is time for the reevaluation process to begin with a student, the Educational Diagnostician will contact the case manager several months prior to the student's redetermination date. She will attend the meeting and lead the discussion to review current data to determine continued eligibility status.

- If current data is reviewed and the team determines that the student continues to meet eligibility, then the reevaluation process is complete.
- If current data is reviewed and the team determines that more data is needed to determine if the student continues to meet eligibility, then the re-eligibility process will begin.

To start a Reevaluation Data Review meeting:

Go to **Timeline tab**

Click on **Start Reevaluation Data Review** (in blue near the bottom of the page). This will bring you to the Notice of Meeting.

On the **Notice of Meeting**—Modify the Date, Time, Location, Meeting Purpose (Include Annual Review if you are doing both at this meeting) and answer the Parent Rights question.

Meeting Attendees—If you have already added the team members under the Team Member tab, then the names should be prepopulated under the Meeting Attendees section. Be sure to assign a role to each person attending the meeting.

Submit Notice of Meeting-- You might get warnings (Ex.: Meeting is scheduled less than 10 days from today—Is this correct? or You have not included the School Psychologist). Go ahead and submit with Warning.

Go to **Response/Reschedule Meeting** tab-- Click on the correct option then print the Notice of Meeting (2 copies).

ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

[State Rule: 160-4-7-.05](#)

[State Rule: 160-4-7-.04](#)

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

DETERMINATION OF ELIGIBILITY (a) Upon completion of the administration of assessments and other measures, a group of qualified professionals and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child. [34 C.F.R. § 300.306(a)(1)] (b) The LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. [34 C.F.R. § 300.306(a)(2)] (c) A child must not be determined to be a child with a disability if the primary factor for that determination is – 160-4-7-.05-2 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY 1. Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA); 2. Lack of appropriate instruction in mathematics; or 3. Limited English proficiency; and 4. If the child does not otherwise meet the eligibility criteria under this Rule. [34 C.F.R. § 300.306(b)(1) – (2)] (d) In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each LEA must: 1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations as well as the information about the child’s physical condition, social or cultural background, and adaptive behavior; 2. Ensure that information obtained from all of these sources is documented and carefully considered. [34 C.F.R. § 300.306(c)(1)] 3. If a determination is made that a child has a disability, and the disability adversely affects educational performance (academic, functional and/or developmental) and therefore needs special education and related services, an IEP must be developed for the child in accordance with Rule 160-4-7-.06 INDIVIDUALIZED EDUCATION PROGRAM. [34 C.F.R. § 300.306(c)(2)]

ELIGIBILITY REPORT. An eligibility report which documents the area of disability shall be completed and placed in each child’s special education folder. The eligibility report shall provide statements for each component of the eligibility and shall be comprehensive enough to serve as the evaluation report when necessary. (a) For those children determined not eligible for special

education and related services the eligibility report shall clearly explain the Eligibility Team's determination. (b) The parent of the child shall receive a copy of the eligibility report at no cost to the parent

Areas of Eligibility and Requirements

More detailed information for each eligibility category can be found in the GADOE State Rules and Regulations and the GADOE Implementation Manual.

(a) AUTISM SPECTRUM DISORDER (AUT). Autism spectrum disorder is a developmental disability generally evident before age three that adversely affects a child's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation.

Other characteristics often associated with autism spectrum disorder are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior. [34 C.F.R. § 300.8(c)(1)(i)] The term of autism spectrum disorder includes all subtypes of Pervasive Developmental Disorder (such as Autistic Disorder; Rett's Disorder; Childhood Disintegrative Disorder; Asperger Syndrome; and Pervasive Developmental Disorder, Not Otherwise Specified) provided the child's educational performance is adversely affected and the child meets the eligibility criteria. Autism spectrum disorder may exist concurrently with other areas of disability. Evaluations and Assessments. The following evaluations and assessments shall be utilized to determine the presence of the characteristics of autism spectrum disorder. 1. Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior. 2. Educational evaluation to include an assessment of educational performance and current functioning levels. 3. Communication evaluation to include assessment of verbal and non-verbal communication, prosody (linguistics including intonation, rhythm and focus in speech)), and pragmatic language utilizing both formal and informal measures. 4. Behavioral evaluations to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder. 5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with autism spectrum disorder after age three if the characteristics of autism spectrum disorder are met. Eligibility and Placement. 160-4-7-.05-4 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY Eligibility shall be based on assessment of the five characteristic areas associated with autism spectrum disorder. The assessments shall minimally document that each of the characteristic areas of (1) developmental rates and sequences, (2) social interaction and participation and (3) verbal and non-verbal communication are affected. The adverse effect on a child's educational performance shall be documented and based on the following criteria: 1. Developmental rates and sequences. A child exhibits delays, arrests, and/or inconsistencies in the acquisition of motor, sensory, social, cognitive, or communication skills. Areas of precocious or advanced skill development may also be present, while other skills may

develop at typical or extremely depressed rates. The order of skill acquisition frequently differs from typical developmental patterns. 2. Social interaction and participation. A child displays difficulties and/or idiosyncratic differences in interacting with people and participating in events. Often a child is unable to establish and maintain reciprocal relationships with people. A child may seek consistency in environmental events to the point of exhibiting rigidity in routines. 3. Communication (verbal and/or nonverbal). A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a nonverbal communication impairment. Some children with autism may have good verbal language but have significant problems in the effective social or pragmatic use of communication. 4. Sensory processing. A child may exhibit unusual, repetitive, or unconventional responses to sensory stimuli of any kind. A child's responses may vary from low to high levels of sensitivity. 5. Repertoire of activities and interests. A child may engage in repetitive activities and/or may display marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The capacity to use objects in an appropriate or functional manner may be absent, arrested, or delayed. A child may have difficulties displaying a range of interests and/or imaginative play. A child may exhibit stereotypical body movements. A child with autism spectrum disorder may be served by any appropriately certified teacher in any educational program as described in the child's individualized education program (IEP). The identification of autism spectrum disorder for educational programming does not dictate a specific placement; however, it is based on the assessed strengths, weaknesses and individual goals and objectives of the child.

160-4-7-.05-5 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

(b) DEAFBLIND (DB). Definition. Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. [34 C.F.R. § 300.8(c)(2)] Eligibility and Placement. 1. For a child to be determined eligible for placement in special programs for the deafblind, the child shall have current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals. Children who are deafblind shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), and an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report is required indicating the dates of the audiological evaluation and a description of the results of the audiological testing and amplification evaluation. In addition, the report should include a description of classroom environmental modifications which will assist the individualized education program (IEP) team in making instructional decisions, the child's ability to understand spoken language with and without amplification, and an interpretation of the results as they apply to the child in his or her classroom setting. 2. Children who are deafblind may receive educational services in classes with other disabled children; however, the class-size ratio for deafblind shall be maintained.

Additional Requirements. Each child who has been diagnosed as deafblind shall be reported in the Georgia Deafblind Census. 160-4-7-.05-6 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY Appendix

(c) DEAF/HARD OF HEARING (D/HH). Definitions. A child who is deaf or hard of hearing is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement and, therefore, adversely affects a child's educational performance. [See 34 C.F.R. § 300.8(c)(3) & (5)] 1. A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel. 2. A child who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30-65 decibels American National Standards Institute without amplification) that the ability to communicate is adversely affected; however, the child who is hard of hearing typically relies upon the auditory channel as the primary sensory input for communication. Eligibility and Placement. 1. The eligibility report shall include audiological, otological and educational evaluation reports. (a) Audiological evaluations shall be provided with initial referral. Children who are deaf or hard of hearing shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report shall be included in the audiological evaluation. This written report shall include, but is not limited to: the date of the audiological evaluation, description of the results of the audiological testing, an amplification evaluation including the child's ability to understand spoken language with and without amplification, as well an interpretation of the results as they apply to the child in his or her classroom setting. (b) An otological evaluation report from appropriately licensed or certified personnel is required at the time of initial placement in the program for the deaf/hard of hearing. The otological evaluation report is required as medical history pertinent to the absence of hearing. If such a report is not available upon initial placement, it shall be obtained within 90 days of placement. The initial or most recent otological evaluation result shall be summarized and that otological evaluation report shall be attached to the eligibility report. (c) A comprehensive educational assessment shall be used in the development of the child's individualized education program (IEP). The educational evaluation shall include 160-4-7-.05-7 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY assessment data from more than one measure and shall include, but is not limited to, information related to academic/achievement levels, receptive and expressive language abilities, receptive and expressive communication abilities, social and emotional adjustment and observational data relative to the child's overall classroom performance and functioning. 2. A psychological evaluation, using instruments appropriate for children who are deaf or hard of hearing, is recommended as part of the overall data when eligibility is being considered. 3. Children who exhibit a unilateral hearing loss may be considered for eligibility provided documentation exists that indicates academic or communicative deficits are the result of the hearing loss. Additional

Requirements. 1. An evaluation of the communication needs of a child who is deaf or hard of hearing shall be considered in the program and class placement decisions. An evaluation of a child's communication needs shall include but is not limited to: language and communication needs and abilities, opportunities for direct communication with peers and professional personnel in the child's preferred language and communication mode, severity of loss, educational abilities, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode. 2. Any classroom to be used for a child who is deaf or hard of hearing shall be sound treated and present an appropriate acoustical environment for the child. All placements, including regular education placements and desk arrangements within classrooms shall be made so that environmental noise and interruptions are minimized. 3. Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team. 4. Each LEA shall have written procedures to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures. 160-4-7-.05-8 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY.

(d) EMOTIONAL AND BEHAVIORAL DISORDER (EBD). Definition. An emotional and behavioral disorder is an emotional disability characterized by the following: (i) An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers. (ii) An inability to learn which cannot be adequately explained by intellectual, sensory or health factors. (iii) A consistent or chronic inappropriate type of behavior or feelings under normal conditions. (iv) A displayed pervasive mood of unhappiness or depression. (v) A displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. [34 C.F.R. § 300.8(c)(4)(i)(A – E)] A child with EBD is a child who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency and intensity that interferes significantly with educational performance to the degree that provision of special educational service is necessary. EBD is an emotional disorder characterized by excesses, deficits or disturbances of behavior. The child's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory general health factors, or other additional exclusionary factors Eligibility and Placement. 1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following: (i) Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions (ii) Psychological and educational evaluations (iii) Report of behavioral observations over a significant period of time; (iv) Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and (v) Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders. 160-4-7-.05-9 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY 2. A child must not be determined to be a child with an Emotional and Behavioral Disorder if the primary factor for that determination is: a. Lack of appropriate instruction in reading, including the essential components of reading instruction; b. Lack of

appropriate instruction in math; c. Lack of appropriate instruction in writing; d. Limited English proficiency; e. Visual, hearing or motor disability; f. Intellectual disabilities; g. Cultural factors; h. Environmental or economic disadvantage; or i. Atypical education history (multiple school attendance, lack of attendance, etc.). 3. The term does not include children with social maladjustment unless it is determined that they are also children with EBD. A child whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement. Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

(e) INTELLECTUAL DISABILITY (ID). Definition. Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. [34 C.F.R § 300.8(c)(6)] Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming. (a) Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence. (1) All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual. (2) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas. (i) Significantly subaverage intellectual functioning must be verified through a written summary of at least one structured observation that demonstrates the child's inability to progress in a typical, age-appropriate manner and with consideration for culturally relevant information, medical and education history. (b) Deficits in adaptive behavior are defined as significant limitations in a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment. (1) The child demonstrates significantly subaverage adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive behavior shall be established through the use of standardized adaptive behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive behavior are operationally defined as performance that is at least two standard deviations below the mean of either (a) one of the following three types of adaptive behavior: conceptual, social, or practical, or (b) an overall (composite) score on a standardized measure of conceptual, social, and practical skills. Documentation must include information from at least two sources. The first source shall be

someone from the local school who knows the child and the second source shall be someone who knows the child outside of the school environment such as a parent, guardian, or person acting as a parent. (i). Interpretation of results should consider the child's cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures. (c) Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18. (d) A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is: 1. Lack of appropriate instruction in reading, including the essential components of reading instruction; 2. Lack of appropriate instruction in math; 3. Lack of appropriate instruction in written expression; 4. Limited English proficiency; 5. Visual, hearing or motor disability; 6. Emotional disturbances; 7. Cultural factors; 8. Environmental or economic disadvantage; or 9. Atypical educational history (multiple school attendance, lack of attendance, etc.). Eligibility and Placement. A child may be classified as having an intellectual disability (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior. Intellectual functioning and adaptive behavior shall be considered equally in any determination that a child is eligible for services in the area of intellectual disability. A comprehensive educational evaluation shall be administered to determine present levels of academic functioning. The report shall be prepared for each child to provide an adequate description of the data collected and explicit pre-referral interventions prior to evaluation and to explain why the child is eligible for services in a program for children with intellectual disabilities. In situations where discrepancies exist between test score results from intellectual functioning, adaptive behavior and academic achievement, the eligibility report must contain a statement of specific factors considered which resulted in the decision of the eligibility team. Eligibility teams must establish that any limits in performance are not primarily due to the exclusionary factors and must document this in the eligibility report: A child may be classified as having an intellectual disability at one of the levels listed below. **Mild intellectual disability (MID)**. (1) Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment. **Moderate intellectual disability (MOID)**. (1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment. **Severe intellectual disability (SID)**. (1) Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment. **Profound intellectual disability (PID)**. (1) Intellectual functioning below approximately 25; and (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence

or social responsibility and especially school performance that is expected of the child's age-level and cultural group, as determined by clinical judgment.

(f) ORTHOPEDIC IMPAIRMENT (OI). Definition. Orthopedic impairment refers to a child whose severe orthopedic impairments adversely affects their educational performance to the degree that the child requires special education. This term may include: (1) Impairment caused by congenital anomalies, e.g., deformity or absence of some limb. (2) Impairment caused by disease (poliomyelitis, osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.) (3) Impairment from other causes, e.g., cerebral palsy, amputations, and fractures or burns that cause contractures. [34 C.F.R. § 300.8(c)(8)] Secondary disabilities may be present, including, but not limited to, visual impairment, hearing impairment, communication impairment and/or intellectual disability. Eligibility and Placement. Evaluation for initial eligibility shall include the following. (1) A current medical evaluation from a licensed doctor of medicine. The evaluation report used for initial eligibility shall be current within one year. The evaluation shall indicate the diagnosis/prognosis of the child's orthopedic impairment, along with information as applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions. (2) A comprehensive educational assessment to indicate the adverse affects of the orthopedic impairment on the child's educational performance. (3) Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, motor development or communication abilities resulting from the orthopedic impairment. When assessment information indicates significant deficit(s) in cognitive/academic functioning, a psychological evaluation shall be given. Children served in a program for orthopedic impairments should be functioning no lower than criteria outlined for mild intellectual disabilities programs. For those children with orthopedic impairments served in other special education programs due to the severity of their sensory or intellectual disability, support by the OI teacher regarding the implications of the child's orthopedic impairment may be appropriate.

(g) OTHER HEALTH IMPAIRMENT (OHI). Definition. Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that - (1) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficient hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome, and (2) Adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(9)] In some cases, heightened awareness to environmental stimulus results in difficulties with starting, staying on and completing tasks; making transitions between tasks; interacting with others; following directions; producing work consistently; and organizing multi-step tasks. Eligibility. 1. Evaluation for initial eligibility shall include the following: (a) The medical evaluation from a licensed doctor of medicine, or in the case of ADD and ADHD an evaluation by a licensed doctor of medicine or licensed clinical psychologist, should be considered by the child's Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the child's health impairment, along with information as applicable regarding medications, special health care procedures and special diet or activity restrictions. The evaluation report used for initial eligibility shall be current within one year and must document the impact of the physical condition on the vitality, alertness or strength of the

child. In cases of illness where the child's physical health and well-being are subject to deterioration or change, this report shall be updated as frequently as determined by the IEP Committee. A medical diagnosis does not automatically include or exclude a child from determination of eligibility. (b) A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child's educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given. (c) A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is: 160-4-7-.05-15 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY a. Lack of appropriate instruction in reading, including the essential components of reading instruction; b. Lack of appropriate instruction in math; c. Lack of appropriate instruction in writing; d. Limited English proficiency; e. Visual, hearing or motor disability; f. Intellectual disabilities; g. Emotional disturbances; h. Cultural factors; i. Environmental or economic disadvantage; or j. Atypical educational history (attendance at multiple schools, lack of attendance). Placement and Service Delivery. (1) A child meeting eligibility criteria be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP). (2) According to State Board of Education Rule 160-1-3-.03 Communicable Diseases, the district shall allow a child infected with a communicable disease to remain in his or her educational setting unless he or she currently presents a significant risk of contagion as determined by the district after consultation with the child's physician, a knowledgeable public health official and/or a physician designated by the LEA (at the LEA's option).

(h) SIGNIFICANT DEVELOPMENTAL DELAY (SDD). Definition The term significant developmental delay refers to a delay in a child's development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided with special intervention, the delay may adversely affect a child's educational performance in age-appropriate activities. The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age-appropriate activities. The SDD eligibility may be used for children from ages three through nine (the end of the school year in which the child turns nine). [See 34 C.F.R. § 300.8(b)] Eligibility (1) Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD. (2) For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to: (a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction; (b) Lack of appropriate instruction in math or math readiness skills; (c) Limited English proficiency; (d) Visual, hearing or motor disability; (e) Emotional disturbances; (f) Cultural factors; or (g) Environmental or economic disadvantage. The application of professional judgment is a critical element at every stage of eligibility

determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized, teacher made or other tests. (3) All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations. (4) For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation must be obtained to determine if the child also meets 160-4-7-.05-17 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments or orthopedic impairments. Students with sensory, physical or communication disabilities must receive services appropriate for their needs, whether or nor specific eligibility is determined. Placement and Service Delivery (1) Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing special education services may receive those services in a variety of placement options, as determined by the child's IEP Team and participation by other agencies, such as, but not limited to: (a) Regular Early Childhood Setting; Head Start Programs Georgia Pre-K Classes Community Daycares Private Preschools (b) Separate Early Childhood Special Education Setting; (c) Day School; (d) Residential Facility; (e) Service Provider Location; or (f) Home (2) School-aged children with SDD shall be served by any appropriately certified teacher in any education program designed to meet the needs of the child, as specified by the child's IEP team

(i) SPECIFIC LEARNING DISABILITIES (SLD). Definition (1) Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage. [34 C.F.R. §300.8(c)(10)] (2) The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequately according to age to meet State-approved grade level standards. These achievement deficiencies must be directly related to a pervasive processing deficit and to the child's response to scientific, research-based interventions. The nature of the deficit(s) is such that classroom performance is not correctable without specialized techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This is clearly documented by the child's response to instruction as demonstrated by a review of the progress monitoring available in general education and Student Support Team (SST) intervention plans as supported by work samples and classroom observations. The child's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility. Exclusionary Factors (1) A child must not be determined to be a child with a specific learning disability if the determinant factor for that determination is: a. Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension); b. Lack of appropriate instruction in math; c. Lack of appropriate instruction in

writing; d. Limited English proficiency; e. Visual, hearing or motor disability; f. Intellectual disabilities; g. Emotional disturbances; h. Cultural factors; i. Environmental or economic disadvantage; or j. Atypical educational history (such as irregular school attendance or attendance at multiple schools) [See 34 C.F.R. § 300.309(a)(3)] 160-4-7-.05-19 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY Required Data Collection (1) In order to determine the existence of **Specific Learning Disability**, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development. Ultimately, specific learning disability is determined through professional judgment using multiple supporting evidences that must include: (a) Data are collected that include: (i) At least two current (within twelve months) assessments such as the results of the CRCT or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards; (ii) Information from the teacher related to routine classroom instruction and monitoring of the child's performance. The report must document the child's academic performance and behavior in the areas of difficulty. (iii) Results from supplementary instruction that has been or is being provided: (a) that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern; (b) such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade level standards within a reasonable time frame; (iv) the interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions. (b) Any educationally relevant medical findings that would impact achievement. (c) After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur: 1. An observation by a required group member; 2. Documentation that the determination is not primarily due to any of the exclusionary factors; 3. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and 160-4-7-.05-20 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY 4. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include: (i) A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months and (ii) Current Response to Intervention data-based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards. (iii) As appropriate, a language assessment as part of additional processing batteries may be included. Eligibility Determination (1) The child who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring. (2) Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory,

conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence must be included documenting that the processing deficits are relevant to the child's academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the child is not making the expected progress toward established benchmarks. This is indicated by comparing the child's rate of progress toward attainment of grade level standards. (3) Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas: (a) Oral expression- use of spoken language to communicate ideas; (b) Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels; (c) Written expression - ability to communicate ideas effectively in writing with appropriate language; 160-4-7-.05-21 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY (d) Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text; (e) Reading comprehension-ability to understand the meaning of written language based in child's native language; (f) Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy; (g) Mathematics calculation-ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and (h) Mathematical problem solving -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation. (4) Progress monitoring includes the data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting child progress during instruction. When reviewing progress monitoring data, those students that exhibit a positive response to the research validated instruction being provided by general education cannot be considered as having a specific learning disability even though they may show deficits on achievement tests in the specified areas. In addition, children whose achievement in classroom academics indicates performance that is commensurate with pervasive weaknesses that are not indicative of a pattern of strengths and weaknesses may not be considered as having a specific learning disability. (5) One group member responsible for determining specific learning disability must conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the child is conducted in the learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The observation must include information from the routine classroom instruction and monitoring of the child's performance. The SLD Eligibility Group (1) The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals that must include: (a) The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; (b) A highly qualified certified special education teacher; and (c) A

minimum of one other professional qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child's individual needs. 160-4-7-.05-22 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY (2) Each group member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

(j) SPEECH-LANGUAGE IMPAIRMENT (SI). Definitions. Speech or language impairment refers to a communication disorder, such as stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance. A speech or language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, voice or language. Individuals may demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability, or it may be secondary to other disabilities. [34 C.F.R. § 300.8(c)(11)] (1) Speech Sound Production Impairment (e.g. articulation impairment)- atypical production of speech sounds characterized by substitutions, omissions, additions or distortions that interferes with intelligibility in conversational speech and obstructs learning, successful verbal communication in the educational setting. The term may include the atypical production of speech sounds resulting from phonology, motor or other issues. The term speech sound impairment does not include: A) Inconsistent or situational errors; B) Communication problems primarily from regional, dialectic, and/or cultural differences; C) Speech sound errors at or above age level according to established research-based developmental norms, speech that is intelligible and without documented evidence of adverse affect on educational performance; D) Physical structures (e.g., missing teeth, unrepaired cleft lip and/or palate) are the primary cause of the speech sound impairment; or E) Children who exhibit tongue thrust behavior without an associated speech sound impairment. (2) Language Impairment - impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance. The term language impairment does not include: A) Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language. B) Children who have regional, dialectic, and/or cultural differences C) Children who have auditory processing disorders not accompanied by language impairment. D) Children who have anxiety disorders (e.g., selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented speech-language impairment that adversely affects the educational performance for these children to qualify for special education services. 160-4-7-.05-24 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY (3) Fluency Impairment - interruption in the flow of speech characterized by an atypical rate, or rhythm, and/or repetitions in sounds, syllables, words and phrases that significantly reduces the speaker's

ability to participate within the learning environment. Excessive tension, struggling behaviors and secondary characteristics may accompany fluency impairments. Secondary characteristics are defined as ritualistic behaviors or movements that accompany dysfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include dysfluencies evident in only one setting or reported by one observer. (4) Voice/Resonance Impairment – interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker’s ability to communicate effectively. Voice/Resonance impairment includes aphonia or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual’s age and/or gender. The term voice/resonance impairment does not refer to: A) Anxiety disorders (e.g., selective mutism) B) Differences that are the direct result of regional, dialectic, and/or cultural differences C) Differences related to medical issues not directly related to the vocal mechanism (e.g., laryngitis, allergies, asthma, laryngopharyngeal reflux (eg. acid reflux of the throat, colds, abnormal tonsils or adenoids, short-term vocal abuse or misuse, neurological pathology) D) Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child’s performance in the educational environment and is amenable to improvement with therapeutic intervention.

Evaluation, Eligibility and Placement All of the special education rules and regulations related to evaluation, eligibility and placement must be followed including: 1. Evaluation: A) Documentation of the child’s response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.] B) A comprehensive evaluation shall be performed by a certified or licensed Speech Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in determining if the child is a child with a disability [34 C.F.R. 300.304(b)(1)]. An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure. C) A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child’s eligibility for speech-language services. This may include assessments in the areas of health (e.g., ENT, otolaryngologist, ophthalmologist, and 160-4-7-.05-25 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. D) The evaluation is sufficient to identify all the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been referred or classified [34 C.F.R. 300.304(b)(4)] 34 C.F.R. 300.304(b)(6). E) Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice

impairment on the child's educational performance. F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities) m[34 C.F.R. 300.304(b)(i)].

2. Eligibility: A) Determining eligibility for speech-language impaired special education services includes three components: 1) The Speech-Language Pathologist determines the presence or absence of speech language impairment based on Georgia rules and regulations for special education, [34 C.F.R. § 300.8(c)(11)] 2) Documentation of an adverse affect of the impairment on the child's educational performance 3)The team determines that the child is a child with a disability [34 C.F.R. 300.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. [34 C.F.R. 300.8(b)(2)] B) Eligibility shall be determined based on the documented results of at least two or more measures or procedures, at least one of which must be formal, administered in the area of impairment and documentation of adverse affect. A speech-language disorder does not exist if: A) Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or 160-4-7-.05-26 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY B) A child exhibits inconsistent, situational, transitory or developmentally appropriate speech language difficulties that children experience at various times and to various degrees. C) Because children who have communication difficulties do not necessarily have speech or language impairments, the speech-language program may not be the appropriate service delivery model to adequately meet the child's educational needs. For this reason, all children who are suspected of having communication problems shall be the subject of a Student Support Team (SST) to problem solve and implement strategies to determine and limit the adverse affect on the child's educational performance. (4) For nonverbal or verbally limited children and those with autism and/or significant intellectual, sensory, or physical disabilities, a multidisciplinary team of professionals shall provide a functional communication assessment of the child to determine eligibility for speech language services. The multidisciplinary team shall consist of professionals appropriately related to the child's area of disability. (5) A child is eligible for placement in a speech-language program if, following a comprehensive evaluation; the child demonstrates impairment in one or more of the following areas: speech sound, fluency, voice or language that negatively impacts the child's ability to participate in the classroom environment. The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, must be documented in writing and used to assist in determining eligibility. 3. Placement: Placement in the speech-language program shall be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information. 4. Children shall not be excluded from a speech-language program based solely on the severity of the disability. Cognitive referencing (i.e., comparing language scores to IQ scores) is not permissible as the only criteria for determining eligibility for speech-language impaired services. Communication Paraprofessionals- A communication paraprofessional is an adjunct to the Speech Language Pathologist (SLP) and assists with certain duties and tasks within the speech language program. The communication paraprofessional is under the supervision of a certified or licensed SLP. The communication paraprofessional cannot carry their own caseload, nor do they increase the certified SLP's

caseload outside of a self-contained classroom. The primary responsibility for the delivery of services, as indicated on the IEP, remains with the certified or licensed SLP. Children who receive services from the communication paraprofessional shall also receive services from the supervising SLP and/or licensed or certified SLP a percentage of the time designated in the IEP for speech-language services, but no less than one hour per month. Each LEA should develop and implement procedures for the training, use and supervision of communication paraprofessionals.

(k) TRAUMATIC BRAIN INJURY (TBI). Definition. Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the child's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)] Eligibility. (1) Evaluation for eligibility shall include the following. (a) A summary of the child's pre-injury functioning status. This information may be available through previous formal evaluations, developmental assessments, achievement tests, classroom observations and/or grade reports. (b) Verification of the TBI through the following: 1. A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or 2. Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records. (c) A neuropsychological, psychological, or psychoeducational evaluation that addresses the impact of the TBI on the following areas of functioning: 1. Cognitive - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall. 2. Social/Behavioral - this includes areas such as awareness of self and others, interaction with others, response to social rules, emotional responses to everyday situations and adaptive behavior. 3. Physical/Motor - this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance. (2) Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance shall be documented. 160-4-7-.05-28 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY Placement and Service Delivery. The identification of TBI for educational programming does not dictate a specific service or placement. The child with TBI shall be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP) Team minutes.

(l) VISUAL IMPAIRMENT (VI). Definitions. A child with a visual impairment is one whose vision, even with correction, adversely impacts a child's educational performance. [34 C.F.R. § 300.8(c)(13)] Examples are children whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. The term includes both visual impairment and blindness as follows: (1) Blind refers to a child whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some children who are legally blind have useful vision and may read print. (2) Visually

impaired refers to a child whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or who have a limitation in the field of vision that adversely impacts educational progress. (a) Progressive visual disorders: Children, whose current visual acuity is greater than 20/70, but who have a medically indicated expectation of visual deterioration may be considered for vision impaired eligibility based on documentation of the visual deterioration from the child's optometrist or ophthalmologist. Eligibility and Placement. (1) A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child. (a) A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment. (2) A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind; (a) if the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility. 1. The low vision evaluation should be completed by age 10 for children who do not have one during eligibility determination prior to age 8 unless other circumstances apply. 2. The low vision evaluation is often difficult to schedule within the 60-day timeline, therefore, if children meet all other eligibility requirements, the eligibility report shall document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision. 3. Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP. 160-4-7-.05-30 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY (i) The low vision evaluation must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment. (3) A comprehensive education evaluation shall be administered to determine present levels of functioning. The impact of the visual impairment on the child's educational performance shall be considered for eligibility. (a) Educational assessments may include cognitive levels, academic achievement, and reading ability 1. Educational assessments related to vision must be completed by a teacher certified in the area of visual impairments. (b) In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel (4) Braille instruction is always considered critical to appropriate education for a child who is blind. Children identified with visual impairments shall be evaluated to determine the need for braille skills. The evaluation will include the present and future needs for braille instruction or the use of braille. For children for whom braille instruction and use is indicated, the individualized education program (IEP) shall include the following: (a) Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills; (b) How instruction in braille will be implemented as the primary mode for learning through integration with other classroom activities; (c) Date on which braille instruction will commence; (d) The length of the period of instruction and the frequency and duration of each instructional session; and (e) The level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used. 160-4-7-.05-31 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY (f) For those children for whom braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicate the absences of braille instruction will not impair the child's ability to read and write effectively.

INDIVIDUAL EDUCATION PROGRAM (IEP)

State Rule: 160-4-7-.06

GaDOE Implementation Manual: Individualized Education Program (IEP)

The Individual 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. The Chickamauga City School District utilizes the Go-IEP system for the development of IEPs.

The IEP Team

The IEP team is a group of individuals that is responsible for developing, reviewing, and revising an IEP for a student with a disability.

Required Members of the IEP Team

1. The parent(s)/guardian of the student
2. Not less than one regular education teacher of the student
3. Not less than one special education teacher of the student
4. A representative of the local educational agency (LEA) who is:
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; and
 - Is knowledgeable about the general education curriculum; and
 - Is knowledgeable about the availability of resources of the LEA.
 - Individuals who meet the criteria are- Principal, Assistant Principal, Director of Special Education, and Educational Diagnostician.
5. An individual who can interpret the instructional implications of evaluation results.
6. At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.
7. Whenever appropriate, the student with a disability, but no later than by age 16 or entering 9th grade and if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals.
8. To the extent appropriate, with the consent of the parents or the adult student who has reached the age of 18, in implementing the transition requirements, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

IEP Team Member Attendance

A member of the IEP team is not required to attend the IEP meeting, in whole or part, if the parent of the student with a disability and the LEA agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related service is not being modified or discussed in the meeting.

A member of the IEP team may be excused from attending the IEP team meeting, in whole or part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

- The parent, in writing, and the LEA consent to the excusal; and
- The member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

A parental excusal form must be completed and signed by the parent. The use of the excusal form should be limited to rare occasions. The special education teacher should make every effort possible to have all team members at the IEP meeting.

Parent Participation in the IEP Meeting

The Chickamauga City School District will take steps to ensure that one or both of the parents of a student 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 inform the parents of a child previously served in Babies Can't Wait of their right to request that 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.

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

If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences.

A meeting may be conducted without the parents 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 at least 3 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 LEA 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 LEA shall provide a copy of the IEP to the parents at no cost.

Each LEA 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.

Required Sections of the IEP

Present Level of Academic Achievement and Functional Performance (PLAAFP)

- Results of state and district assessments: This information should include test scores and indicate whether the student did not meet, met, or exceeded standards. It should include strengths and weaknesses as indicated by the domains of the subtests.
- Results of initial or most recent evaluation: This section should include a summary of assessment findings for areas assessed. This should include, but is not limited to, all areas in which the student has academic, developmental, and/or functional needs. The summary should include:
 - Relevant information from the student's evaluation (not just a list of scores)
 - Description of any formal evaluation measures
 - Formative and summative assessment data used for instructional purposes
 - List of sources including dates
 - Does this area impact the student's academic achievement and/or functional performance?
 - If so, how will the need be addressed
- Description of academic, developmental, and/or functional strengths: This section should include, but is not limited to, all areas in which the student has academic, development, and/or functional strengths. This can include strengths in:
 - academic subjects (math, language arts, reading, writing, etc..)
 - developmental areas (communication, motor, social/emotional, etc..)
 - functional areas (self-care, social skills, daily living, communication, social/emotional, etc...)

- Parental concerns regarding their child’s education: This section should include information gathered from the parent regarding the student’s academics, behavior, school performance, social/emotional, and/or future plans. If the parent does not participate in the meeting, the special education teacher should still try to gather this information from the parent either by previous communication or separate communication from the meeting.

- Impact of the disability on involvement and progress in the general education curriculum (for preschool, how the disability affects participation in appropriate activities): This section should describe how the student’s disability affects his or her performance in the classroom. It must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. It should not just be stating the student’s eligibility category. It must describe the impact on involvement and progress in the general education curriculum. Statements should be based on individual needs and not a general statement applicable to a large group of students.

- Consideration of Special Factors: Some students with disabilities require special ways of handling specific educational opportunities. Supports and services needed will be described for each area identified. Some sections are required:
 - Communication (required)
 - Assistive Technology (required)
 - Alternate Formats (required)
 - Behavior Intervention Plan
 - Blind or Visually Impaired
 - Deaf or Hearing Impaired
 - Limited English Proficiency

- Transition Service Plan: A transition plan should be developed for a student with a disability during the student’s 8th grade year or by age 16, whichever comes first, and updated annually. The transition plan must include:
 - A description of preferences, strengths, interests and course of study based on present levels of performance and the student’s interests and preferences obtained from a variety of methods including age-appropriate transition assessments.
 - The course of study must state which CTAE pathway the student is or will be working on throughout high school.
 - At a minimum the student must complete the Chickamauga City Schools Student Interest Survey for the first transition plan developed and again every other year to assist in developing the transition plan.
 - In addition to the CCS Student Interest Survey, information may be gathered through informal conversations with student and/or parent and other interest/career surveys.
 - The name and date of the transition assessment/career/interest survey.
 - The career cluster the student will participate in to assist in reaching the postsecondary goals and based on student preferences and interests.

- Appropriate measurable postsecondary goals must be developed based upon age-appropriate transition assessments in the areas of education/training and employment. Where appropriate, an independent living skills goal should be developed.
 - To support each postsecondary goal, at least one transition IEP annual goal must be developed. This should be an annual goal based on what the student can accomplish in one year.
 - Each transition IEP annual goal should include evaluation method, criteria of mastery, expected completion date, and activity type.
 - For each transition IEP annual goal, there should be transition activities/services developed and names of person/agency involved.
 - The transition services (including courses of study) needed to assist the student in reaching those goals.
 - Include date student entered or is projected to enter 9th grade and projected date of exit.
 - The type of diploma the student is pursuing and a statement verifying that graduation requirements have been explained to the parents.
 - Transfer of Rights at Age of Majority- beginning not later than one year before the student reaches age 18, the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA, if any, which will transfer to the student on reaching age 18.
 - The student should be invited to the IEP where transition. If the student does not attend the IEP Team meeting, the special education teacher must take other steps to ensure that the student's preferences and interests are considered.
- Measurable Annual Goals: Academic and/or functional goals are designed to meet the child's needs that result from the disability to enable the child to be involved in and make progress in the general education curriculum or to meet each of the child's other educational needs that result from the disability.
 - Goals should be measurable and specific to the student's needs and should come directly from the needs in the PLAAFP.
 - Goals are written to address an individual student's deficits (needs) to enable the student to make progress in grade level standards.
 - A goal is not such a repeat of the grade level standard.
 - Goals should describe what the student can be reasonably expected to master within one school year.
 - Criteria should be clearly stated including evaluation method, mastery criteria and date.
 - Method of evaluation should monitor progress and include some type of data collection to document progress.
 - Mastery criteria identifies how much, how often, or to what standard the student will perform to demonstrate mastery.
 - Progress monitoring data should be ongoing through each grading period.

- Short-Term Objectives/Benchmarks: Short term objectives are measurable, intermediate steps or targeted sub-skills to enable student to reach annual goals.
 - Are developed in the same manner as goals.
 - Objectives may not be developed for all students.
 - Written at a less complex level in smaller steps than the goal.
 - Required for students participating in the Georgia Alternative Assessment (GAA)

- Progress Reporting to the Parent: A statement that the parent will be notified of the student's progress on his/her IEP goals at least every 9 weeks. The IEP team can decide to do it more often if appropriate.

- Georgia Alternative Assessment (GAA) Decision: **The Director of Special Education must be consulted with anytime a case manager and/or special education teacher is considering the need for a student to take an alternative assessment. If the IEP Team determines that the child must take an alternate assessment instead of the regular State or districtwide assessment a statement of why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child. The parents of the child must be informed that the child is being assessed against alternate or modified achievement standards and any consequences of such assessments. The following four questions must be answered when determining if an alternate assessment is appropriate:
 1. Does the student have a disability that presents “unique and significant” challenges to participate in statewide assessments regardless of available accommodations?
 2. Does the student have significant intellectual disabilities or a combination of intellectual disabilities with motor, sensory, or emotional behavior disabilities?
 3. Does the student require substantial adaptations and support to access the general education curriculum?
 4. Does the student require instruction focused on application of state standards through relevant life skills?

- Accommodations for State Required Assessment: The guidelines and processes in the Georgia DOE Accommodations Manual will be followed when determining allowable accommodations for statewide assessments. IEP teams must select for each assessment only those accommodations that do not invalidate the score according to state standards. The accommodations should be aligned to the student's present level of academic achievement and functional performance (PLAAFP).
- The projected date for the beginning of the services and program modifications and the anticipated frequency, location, and duration of those services and program modifications. [34 C.F.R. § 300.320(a)(7)]

- Participation Guidelines for the Math Rubric
- Student Supports: Determination of supports is based on most current data and aligned to the student's present level of academic performance and functional achievement (PLAAFP). The IEP team will consider the need for the following supports:
 1. Classroom Testing Accommodations
 2. Classroom Testing Modifications
 3. Instructional Accommodations
 4. Instructional Modifications
 5. Supplemental Aids and Services
 6. Support for School Personnel

The IEP team will discuss and determine accommodations and/or modifications that are appropriate based on the student's most current data and aligned to the student's present level of academic performance and functional achievement (PLAAFP).

1. **Accommodations** should enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills. Some accommodations may be appropriate for instructions, but not for use on state assessments.

Classroom Testing and Instructional Accommodations should be:

- Based on individual student needs and not upon a category of disability, level of instruction, time spent in general classroom or program setting.
- Justified and documented in the student's IEP.
- Aligned with and be part of the student's daily instruction.
- Foster and facilitate independence for students, not dependence.
- Reconsidered by the IEP team on a yearly basis at the time of the annual review of the student's IEP.

Classroom Testing and Instructional Accommodations should not be:

- Introduced for the first time during the testing of a student.
- Alter what is being taught.
- Consider a change in the curriculum.

2. **Modifications** are made for students with disabilities who are unable to comprehend all the content an instructor is teaching. Modifications may be described as change in the curriculum.

Classroom Testing and Instructional Modifications

3. Supplemental Aids and Services

4. Support for School Personnel
 5. Medication at school?
- Extended School Year (ESY): **The Director of Special Education must be consulted with anytime a school staff member and/or parent has expressed a possible need for ESY services.

The IEP team must consider the following factors to determine whether or not ESY services are needed:

- The chance of significant regression of critical skills caused by a normal school break with a failure to recover those lost skills in a reasonable time
- The actual and expected progress related to critical skills
- Any emerging skills or breakthrough opportunities which might require ongoing instruction during a school break
- Any significant interfering behaviors targeted as IEP goals that prevented the student from receiving some benefit from his educational program during the regular school year
- The nature and severity of the disability
- Other special circumstances

After considering the above questions, the IEP must determine (yes or no) will the benefits that the student receives from his/her educational program during the regular school year be significantly jeopardized if the student is not provided ESY?

- Transportation: The IEP must answer the question- Does the student require special transportation?
- Special Education Services
 1. Continuum of services considered
 2. Removed from general education environment- If a student receives any services outside of general education, you must explain why the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities. The explanation should include:
 - Information about the characteristics of the disability
 - Specific information on how this impacts performance in the general education classroom
 - Type of instruction that will be provided in the separate classroom
 - Rational for why the student's needs cannot be met in the general education classroom

3. Instruction/Related Services in General Education Classroom/Early Childhood Setting
4. Instruction/Related Services Outside of General Education Classroom

The projected date for the beginning of the services and program modifications and the anticipated frequency, location, and duration of those services and program modifications. [34 C.F.R. § 300.320(a)(7)]

- 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.
- When the IEP Must be in Effect: At the beginning of each school year, an IEP must be effect for each student with a disability within its jurisdiction.

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:

1. Consistent with the Georgia rule for IEPs; and
2. Agreed to by the district and the child's parents.

The district must provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP and if the parents choose an IFSP, obtain written informed consent from the parents.

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

ACCESSIBILITY OF CHILD'S IEP TO TEACHERS AND OTHERS. 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.

IEPS FOR CHILDREN WHO TRANSFER LEAS WITHIN GEORGIA. 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.

IEP FOR CHILDREN WHO TRANSFER FROM ANOTHER STATE. 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.

TRANSMITTAL OF RECORDS. To facilitate the transition for a child described above - (a) 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.

DEVELOPMENT, REVIEW, AND REVISION OF IEP. (a) General. In developing each child's IEP, the IEP Team must consider – 1. The strengths of the child; 2. The concerns of the parents for enhancing the education of their child; 3. The results of the initial or most recent evaluation of the child; 4. The results, as appropriate, of the child's Statewide or districtwide assessments; and 5. The academic, developmental, and functional needs of the child. (b) Consideration of special factors. The IEP team must – 1. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports and other strategies, to address that behavior in the IEP or behavioral intervention plan; 2. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; 3. In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, that instruction or the use of Braille is not appropriate for the child; 4. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the

child's language and communication mode; and 5. Consider whether the child needs assistive technology devices and services. (c) Each LEA must ensure that extended school year services (ESY) are available as necessary to provide FAPE. ESY services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. The LEA shall not limit ESY services to a particular disability category or unilaterally limit the type, amount, or duration of those services. 1. The IEP Team shall determine if ESY services are needed as part of the child's FAPE. In doing so, it shall consider the individual needs of the child. 2. If the IEP Team determines that ESY shall be provided, it shall: (i) Indicate which goals are being extended or modified to deliver FAPE; and, (ii) State the specific services needed, the amount of time for each service, the beginning and ending dates for the services and the service provider and location. 3. The LEA shall provide ESY services as required by the child's IEP and all necessary transportation at no cost to the parent. (d) Requirements with respect to regular education teacher. A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of – 1. Appropriate positive behavioral interventions and supports and other strategies for the child; and 2. Supplementary aids and services, accommodations, program modifications, and support for school personnel. (e) IEP Changes or Amendments. Changes or amendments to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by agreement between the parents and LEA. 1. In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent(s) of a child with a disability and the LEA may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. (i) If changes are made to the child's IEP, the LEA must ensure that the child's IEP Team is informed of those changes. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

(19) REVIEW AND REVISION OF IEPS – The IEP team (a) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and (b) Revises the IEP, as appropriate, to address – 1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate; 2. The results of any reevaluations conducted. 3. Information about the child provided to, or by, the parents; 4. The child's anticipated needs; or 5. Other matters. (c) Consolidation of IEP Team meetings. To the extent possible, the LEA must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child. (d) Consideration of special factors. In conducting a review of the child's IEP, the IEP Team must consider the special factors in (18)(b) above. (e) A regular education teacher of the child, as a member of the IEP Team, must participate in the review and revision of the IEP of the child. (f) Failure to meet transition objectives – 1. If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, the LEA must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP. 2. Nothing in this part relieves any participating agency, including the State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency. (g) Children with disabilities in adult prisons. 1. The following requirements do not apply to children with

disabilities who are convicted as adults under State law and incarcerated in adult prisons (Department of Corrections): (i) Participation of children with disabilities in State and districtwide assessments; and (ii) The requirements related to transition planning and transition services do not apply to children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. 2. Modifications of IEP or placement. The IEP Team of a child with a disability who is convicted as an adult and incarcerated in an adult prison may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The IEP requirements in this Rule and the LRE requirements do not apply with respect to the modifications described in paragraph (g)(2) above.

Developing an IEP in Go IEP

Log into **Infinite Campus**

Click on SLDS

Click on IEP (blue tab on top of the page)

Click on Caseload (yellow letters, top of page) then Click on a student's name

Go to **Profile** tab (update if needed)

School & Student Information- Edit the student's address

Parent(s)/Guardian(s)-Add the parent's name(s)

Assessment Data-Test scores are pre-populated.

Summary of Performance-Only for seniors

Go to **Team Members** tab

- Student is already listed.
- Parent should already be listed (it pulls from profile page)
- Delete Team members that are no longer applicable.
- Under User Type: System User then under Username you will see a dropdown box of SE teachers, Speech, OT, etc... add the appropriate Team members and include Team Title.
- Under "Other" you will type in General Education teachers, school administrators (anyone who might be attending the meeting). You only type in his/her first and last name and team title.

Go to **Timelines**- (top of page)

- For IEP Annual Review Meeting- scroll down and click on "Start IEP Annual Review" to open the Notice of Meeting.
- For Reevaluation Data Review Meeting- scroll down and click on "Start Reevaluation Data Review" to open the Notice of Meeting.

Go to **Meetings tab**

- Click on Annual Review or Reevaluation Data Review. This brings you to the Notice of Meeting.

Creating a **Notice of Meeting**

- Modify the Date, Time, Location and Meeting Purpose (Don't forget to add Transition Plan if student is in 8th grade or above). Address the Parents Rights section.
- Meeting Attendees- (click to expand)- Add names of the people who will attend --can delete as needed. If you need to add-you will have to go back to Team Members and add there. Assign role for each member (required Sp Ed Teacher, Gen Ed Teacher, Parent, LEA).
- **Submit** the Notice. You can submit with warnings- if appropriate.
- **Response/Reschedule Meeting tab**--Check if meeting will proceed as scheduled, parent will attend, parent signed meeting notice, etc.... This tab is also where you go to reschedule a meeting.
- Print 2 copies of the Notice--Send home to parent and bring a copy to the meeting in case you don't have a signed copy.

GO TO IEP TAB

- Click on view/update IEP
- IEP will be blank to start with.

1.1-Present Levels of Academic Development, and/or Functional Performance

➤ Academic Development, and/or Functional Areas Assessed and Goals

- Parents will be notified of the student's progress every 9 weeks—click save.
- Present Levels-**Add Area**—Add for all areas where there is a need.

Categories- Choose the Category (drop down menu) Ex: Math

Choose the Area (drop down menu) Ex: Algebra

Summary of Assessment findings- Type the specific needs in the area chosen. Include formal and informal data to back up the need in this specific area.

Sources (can check multiple sources)—click Edit to pull up list of sources.

Does this area impact-yes/no

- If yes- then you will need to answer how this need will be addressed
- You will probably check a specific goal aligned to this area of impact and instructional or testing accommodations and services.
- If you say he/she needs Extended Time on testing-you need to say he/she works more slowly than reg. ed peers in the present levels. Same for Read to, Calculator, etc. You must document the need for the testing accommodations.
- If OT, PT then will probably check Embedded in IEP Goals.
- Multiple statements can be chosen.
- At least one area must have a specific goal marked and instructional/testing accommodations/services marked.

*****Category: General and Area: Cognitive**. Include the evaluation report information from initial and/or reevaluation testing. State the student's disability and date of initial eligibility. Include IQ score, name and date of assessment. Include achievement scores, name and date of assessment. Summarize the test data from information included in the psychological report.

- **Goals-** In whatever area(s) you put a weakness, you also need to write a goal. Click on the green "+".

This takes you to the Goal section. Type the Goal

By (gives you a date 1 year from now)

Evaluation method-How will progress be measured?

With (percent mastery)

Is this an ESY Goal? Yes/No

SAVE

To add **Objectives** --Click on the "+" on the Goal and do the same as you did for the goal.

- **Add Area**-Do the same for the next area of need (Ex: Language Arts).

Address as many areas as appropriate

➤ **Other Discussion**

Include Parent input
 Discuss Strengths
 Impact of the Disability

1.2-Transition (Only for 8th graders and above)- Still use the old Sample-but the items are in different places. There are 3 tabs at the top-Transition Decision/Interests and Goals/Graduation Plan.

- **Transition Decision**—You only choose “yes” if student is in 8th grade or higher. Otherwise mark “no.”

- **Interests and Goals**

Interests and Preferences (_____ is a _____ year old 8th grader at _____ Middle School. He is interested in _____).

Date _____

Name of Assessment _____ (GA411, GCIC and/or CCS Student Interest Survey)

These goals will be supported by participating in the following course of study (drop down-choose 1).

- **Measurable Post-Secondary Goals (You must select Employment and Education/Training).**

Click on “Add Outcome”

1. Under Transition Outcome select Employment
2. Write an outcome for Employment for after high school- (Ex: After graduation, _____ will acquire full time employment as a _____). Then click “save”.
3. Next click the green plus sign next to Employment outcome.
4. List 1 transition goal that the student will work on this school year.
5. Complete evaluation method, with, activity type, transition activities and person/agency involved.
6. Repeat this same process for Transition Outcome- Education/Training

(Independent Living is for students who will not be able to live independently).

- **Transition Activities/Services** (Using the same section of the sample-choose the activities that go with the goal selected)-Type

Person/Agency-Type people (Ex: Student, School Staff, Parents)

Expected Completion-It automatically gives you a year from the date

SAVE

7. **Education**-Goal----- Do the same thing you just did with the Employment section.

8. **Independent Living**-Goal-Same as Employment section.

- **Graduation Plan**- (3rd tab at the top)

Date entered 9th grade _____

4-year plan

4-year plan

Projected Graduation Date _____

Georgia High School Diploma

Graduation Requirements explained to parent? Yes and “save”

1.3 Consideration of Special Factors

➤ Special Considerations

- Only four are required. (Alternate Formats, Assistive Technology, Behavior Plan & Communication).
- The others don't need to be answered if not appropriate. Even if the answer is “no”, don't mark it.

1. **Alternate Format-yes/no**- If yes-how-Auditory, Braille, Large Print, etc.
2. **Assistive Technology**- (Do not defer a decision-or you will have to meet again).

Need AT Device-If yes-there will be questions to answer.

Ex: Calculator-Yes to device. Will be addressed in Goals, Classroom Testing, Instructional Accommodations, State Required Testing, Supplemental Aids and Services.

Need AT Service-Yes or No. If yes-answer questions. If No-questions. Most of you will say-AT devices which student is able to utilize without an AT Service.

3. **Behavior Intervention Plan**- There is no FBA- these 2 documents are combined. Answer all questions. To add a 2nd Goal-go to Add BIP.
4. **Communication-yes/no**- If yes-give explanation (If a speech student then speech therapist will complete this section).

1.4 Optional Decisions

- **GAA Participation Decision**--Answer no if the student takes EOC or EOG. Answer yes if student takes GAA.
- **Math Rubric**—only used for students in 10th grade or higher.

1.5 Accommodations

➤ **State Required Testing (Georgia Milestones EOG & EOC)**- Make sure you **SAVE** on everyone.

- Click on **Add/Update Accommodations**

Assessments (choose test Ex: Georgia Milestones EOG online or Georgia Milestones EOC online).

Subtest (choose subtest Ex: Math)

Click on Accommodations-SAVE

To Add 2nd test or subtest- Click on **Add/Update Accommodations**

Can use the green button to copy accommodations for each test (but this only does it for the same test (EOG, EOC) and after you have done the first test).

➤ **Student Supports**

It automatically lists the state testing accommodations that you entered on the state testing page. Use the “?” for help on each section.

Classroom Testing Accommodations

Classroom Testing Modifications—only GAA students

Instructional Accommodations-Add

Instructional Modifications—only GAA students

Supplemental Aids and Services

Supports for School Personnel

If there are no supports needed for a section then type None Needed

Medical- If go to nurse for meds—check yes

1.6-Extended School Year (ESY)

Answer the questions-Most will be No. DO NOT SAY “DEFERRED”

If you say YES- you have must include the following:

- ESY Goal (Check Yes to ESY Goal at the bottom of the goal/objectives you are going to carry over for ESY (In Section 1.1).
- ESY Services-on the Service section (In Section 1.8)

1.7-Transportation- Answer No.

1.8-Services

- **Placement Summary-** Check mark all services considered- click “save”
- Click on **Add Services**

Service Category-Choose one (Special Ed, Supportive Services or Related Services)

*Special Ed (Consultation, Co-Teaching, Separate Class...)

*Supportive Services (Supportive Instruction by paraprofessional in general ed. classroom)

*Related Services (Audiology, PT, OT, ...)

Location- Choose either In General Education or Outside General Education

If choose **In General Education** then under **Service Nature** choose one (Consultation, Co-Teaching, Separate Class...)

If choose **Outside General Education** then under **Service Nature** choose one (small group, separate school, home, etc...)

Content Area- Choose one (Math, Language Arts, Science, etc....)

Number of Sessions-(Typically 5 segments per week but Speech, OT will probably be 2 segments per week).

Length of Time-(Ex: elementary-45 minutes; middle-70 minutes; high-90 minutes; speech-30 minutes).

Frequency-If you put 5 sessions-then you would put "Weekly" (Ex: 5 Language Arts classes weekly)

Beginning Date-Date of IEP or the following day.

Ending Date-Usually this will be 1 year minus 1 day from the meeting date.

Provider-Gen Ed, Special Ed, PT, SLP...

ESY –Is this an ESY service? If the student is going to receive ESY-At least 1 service has to say YES

Primary Disability-Click on the Primary Disability- click "save"

- To add a New Service-Click on **Add Service** and do the same as above.
- If the student is going to be outside the Gen Ed setting and not with regular ed peers-you must indicate why. Be specific and "save".

PROGRESS REPORTS

- When a new IEP or Amendment is being finalized, GO-IEP will not automatically close any progress reports associated with the prior IEP. You will need to complete any past due progress reports and then decide to complete or inactivate an existing progress report.
- When a new Annual Review or Amendment meeting notice is created any existing progress report that is or will be less than halfway through the progress reporting frequency period based on the meeting date, will show a button at the bottom of the progress report allowing you to inactivate the progress report. You will be able to decide to inactivate or complete that progress report.
- For existing progress reports that are or will be greater than halfway through the progress reporting frequency period based on the meeting date, the inactivate button will not show and you will be required to complete the progress report(s).
- When you have completed a progress report, the option to finalize will be present. If the finalize button isn't present, then you haven't completed all the goals and objectives in the progress report. If you inactivate a progress report that includes progress notes, then the progress notes will be deleted.
- You can only inactivate a progress report if the meeting date is less than halfway through the progress reporting period.
- If the meeting date is after the halfway point for the progress report period, then the progress report must be completed and finalized before the IEP can be finalized.
- If a progress report is still open when the IEP audit is completed the following audit message will appear:

Progress Reports Dashboard

*Please verify that the meeting date is correct. The date of the new meeting will impact the start date for new Progress Reports to begin. Then inactivate or complete and print Progress Report(s) prior to finalizing this IEP.

How to Audit an IEP

- You can run an Audit on a DRAFT IEP.
- Click on Audit/Finalize IEP and then click on it again (this doesn't finalize IEP).
- Choose Start IEP Audit.
- You will either receive a message that IEP Audit is approved, or you will have messages in red that have to be addressed.
- Once you make corrections then run the audit again.
- After you have the IEP meeting and enter information from the meeting, you can run the audit again.
- Once the audit is approved then you will need to check who attended the meeting and enter meeting notes, if appropriate.
- Indicate what forms parents received.
- If parent didn't attend the meeting, indicate the date and how they received IEP.
- Click SAVE.
- At this point, email Stacy McDaniel for approval and finalization of IEP. You should never finalize an IEP.

Within 5 days of the IEP meeting, the IEP must be finalized, and the following must be send to Stacy McDaniel:

- **Signed Notice of Meeting**
- **Signature page of IEP**

GO IEP FREQUENTLY ASKED QUESTIONS

NOTICE OF MEETING

1. Q. How do I open a Notice of Meeting?
 - A. Click on Timelines tab and if it is only an annual review, then click on "Start Annual Review." If it is a Reevaluation Meeting and an Annual review, then click on "Start Reevaluation Data Review."

2. Q. How do I enter the Team Members names on the Notice of Meeting?
 - A. Under meeting attendees, click to expand "+." Click "Add Attendee" and the drop down box should list the team members to choose from. Choose a name and assign a role if he/she will be attending the meeting. You must have at least 1 Special Education teacher, 1 General Education teacher, parents, student and the LEA.

3. Q. What if there are no team member names under meeting attendees?
 - A. You will have to go back to the Team Members tab and add members on this page.

4. Q. How do I submit/save a Notice of Meeting?
 - A. After you have entered the correct meeting date, time, location and purpose, answered the parental rights question, then entered meeting attendees, you will then click "Submit" (under excusal count). You can submit w/warnings. Be sure to print 2 copies of the notice of meeting. One to send parents and one to have at the meeting in case the parent doesn't return a signed meeting of notice then you can have them sign your copy at the meeting.

5. Q. How do I indicate that the parent is attending?
 - A. After you have submitted the Notice of Meeting, the Response/Reschedule Meeting tab will appear. Click on that tab and choose the correct response.

6. Q. What if the parent wants to reschedule the meeting?
 - A. Click on the "Response/Reschedule meeting" tab. Choose "reschedule meeting" then choose appropriate response. This will re-open the Notice of Meeting so you can make changes. Once corrected you will have to submit again and print 2 copies.

GO IEP FREQUENTLY ASKED QUESTIONS

DRAFT & FINALIZED IEP

1. Q. Does the DRAFT IEP need to be reviewed before the IEP meeting?
 - A. Yes—At least 3 days before the IEP meeting, send an email to Stacy McDaniel indicating that the DRAFT IEP is ready to be reviewed. You will receive an email or phone call indicating changes that need to be made and/or approval of DRAFT IEP.

2. Q. What do I do after DRAFT IEP has been approved?
 - A. Before the IEP meeting, click on IEP tab to view DRAFT IEP. Scroll to bottom of page and click “Audit/Finalize IEP” (this is not finalizing the IEP). Next, click “Audit/Finalize IEP” again. Then click “Start IEP Audit.” You will either receive a message that IEP Audit is approved or you will have messages in red that have to be addressed. Make all the corrections and then print DRAFT IEP for the meeting.

3. Q. What do I do with the DRAFT IEP during the meeting?
 - A. Be sure to have a copy of the DRAFT IEP for each team member to view. During the meeting you will be taking notes and gathering input from the team members (especially parents). Write this information on the DRAFT IEP and keep the DRAFT IEP (with your handwritten notes) for documentation of team member input.

4. Q. What do I do with the DRAFT IEP after the meeting?
 - A. After the meeting, go back into GO IEP and make changes and updates to the DRAFT IEP. Be sure to include parent input. Keep a copy of the DRAFT IEP with your handwritten notes for documentation of team member input. Run the Audit again. Correct anything that needs to be corrected. E-mail Stacy McDaniel again for review. You will receive an email or phone call indicating changes that need to be made and/or approval of final IEP. Stacy McDaniel will finalize the IEP.

5. Q. When does an IEP have to be completed and finalized?
 - A. Within 5 days of the IEP meeting the IEP must be finalized and the teacher should send Stacy McDaniel the signed Notice of Meeting and Signature Page of IEP.

6. Q. What signatures do I need on the IEP?
 - A. At the meeting, make sure you have signatures from the people who attended the meeting (at least one special education teacher, one general education teacher, one LEA, and parent (unless parent did not attend) and student (required if 8th grade or above). When you do the Audit/Finalize, you should *check* the people who attended and signed. If the parent participated in the meeting via phone conference, virtually, etc... then mark that they did attend the meeting. If the parent did not attend the meeting, you do not have to get their signature on the IEP.

Special Education Updates (9/16/2021)

IEP Team Members

At a minimum, the IEP team must include:

- the parent
- at least one of the child's regular education teachers
- a special education teacher
- a LEA representative (district or school administrator)

The Role of the Regular Education Teacher

- participates in the development, review, and revision of the IEP
- provides current information on the student's academic and behavior progress
- supports the determination of appropriate accommodations, modification, supports and services

Teachers Not Present

If all the child's teachers do not attend the IEP team meeting, the teachers not attending must:

- submit to the special education teacher current information on the student's academic and behavior progress
- include the student's strengths and areas of need
- submit the information in writing and prior to the IEP meeting

The Student

A student with an IEP must be provided an appropriate education that:

- includes access to the Georgia curriculum and addresses the unique needs of the individual child and his or her disability.
- addresses what the individual child needs in order to make educational progress.
- assures the child has the opportunity to make educational progress- this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation.

The Teacher

- is responsible for following the educational plan described in the IEP
 - must follow the student's classroom accommodations and modifications, instructional accommodations and modifications, and supplemental aids and services outlined in the IEP

**Georgia Department of Education
Division for Special Education Services and Supports**

Quick Tips for a Successful Teleconference/Virtual IEP Team Meeting

Prior to the Meeting

1. Contact parent to agree on a meeting date and time.
2. After agreeing on a meeting date and time, send notice of meeting via email.
3. Clearly indicate on meeting notice that meeting will be teleconference/virtual.
4. Email parent DRAFT copy of IEP before the meeting.
5. Email parent copy of parental rights before the meeting.
6. Check your background to ensure that it is clean, free of clutter, and appropriate.
7. Place your camera so that your head is in the screen.
8. Look directly into the camera to project eye contact.
9. Dress professionally.

During the Meeting

1. Introduce yourself, your position, and your role in the meeting.
2. Introduce all members of the IEP team.
3. Place your microphone on MUTE when you are not speaking.
4. Turn your video on; it adds a personal touch to see your face.
5. When your video is on, be aware of your facial expressions and what you are doing during the meeting.
6. Engage parents and students in discussion.
7. Ask clarifying questions and check for understanding.
8. Document parent input on DRAFT IEP.
9. Refer to page numbers of documents and/or sections as the meeting progresses.
10. Recap next steps following the meeting. Examples might include: requested evaluations, requests for technology support, follow-up phone calls, explanation of how parents will receive a final copy of the IEP, etc.

Meeting Reminders

1. Follow the agenda so that participants will know when to speak. Ensure that all participants have access to the DRAFT IEP.
2. Allow wait time during the meeting, just as you would in an in-person meeting. People sometimes need time to think before responding.
3. Maintain professional chat dialogue; all participants can see what is in the chat box.
4. Students in 8th grade and higher must be part of the IEP meeting.
5. Ask for parent input on distance learning experience (good & bad).
6. Confirm method for delivering a copy of the finalized IEP to the parent.
7. Remember to close the meeting with an appropriate “thank you” and “good-bye.”

Checklist for Review of IEP

Teacher _____

School _____

Student _____

Date _____

Reviewer _____

IEP Components	Met	DNM	N/A	Comments
PLAAFP				
• Progress Report				
• All Areas Addressed				
• Category Summary				
• Sources				
• Impact				
• Methods of Addressing				
• Goal/Criteria				
• Objective/Criteria				
Other Info				
• Parent Input				
• Strengths/Interests				
• Affect of Disability				
Transition				
• Interests/Preferences				
• Assessment Date, Name, Course of Study				
• Employment Outcome				
• Transition Annual Goal				
• Evaluation Method/Criteria				
• Transition Activities/Services				

IEP Components	Met	DNM	N/A	Comments
• Education/Training Outcome				
• Transition Annual Goal				
• Evaluation Method/Criteria				
• Transition Annual Goal				
• Transition Activities/Services				
• Graduation Plan Dates/Diploma				
• Date Student Informed				
Special Factors				
• Alternate Formats (required)				
• Assistive Technology (required)				
• Communication (required)				
• Others				
GAA				
• Eligibility Criteria				
• Assurances				
Math Rubric				
• Criteria/Assurances				
State Testing				
• Online Testing				
• Subject(s)				
• Accommodations				
Student Supports				
• Classroom Testing Accommodations				
• Classroom Testing Modifications				
• Instructional Accommodations				

IEP Components	Met	DNM	N/A	Comments
• Instructional Modifications				
• Supplemental Aids & Services				
• Support for School Personnel				
• Medication at School				
ESY				
• 6 Questions				
• Eligibility				
Transportation				
• Special Transportation				
Services				
• Placement Options				
• Reasons removed from general ed.				
• (In General Ed.) Category/Service				
• Frequency/Dates				
• Primary Provider/Content Area				
• (In General Ed.) Category/Service				
• Frequency/Dates				
• Primary Provider/Content Area				
• (Outside General Ed.) Category/Service				
• Frequency/Dates				
• Primary Provider/Content Area				
• (Outside General Ed.) Category/Service				
• Frequency/Dates				
• Primary Provider/Content Area				

IEP Components	Met	DNM	N/A	Comments
<ul style="list-style-type: none"> Primary Disability 				
Audit/Finalize				
<ul style="list-style-type: none"> Meeting Notes 				
<ul style="list-style-type: none"> Meeting Attendees 				
<ul style="list-style-type: none"> Forms Provided 				
Meeting Notice				
<ul style="list-style-type: none"> Meeting Purpose 				
<ul style="list-style-type: none"> Meeting Attendees 				
<ul style="list-style-type: none"> Response/Reschedule Meeting 				

LEAST RESTRICTIVE ENVIRONMENT

State Rule: 160-4-7-.07

GaDOE Implementation Manual: Service Delivery and Least Restrictive Environment

The Chickamauga City School District ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities in Georgia shall be educated with students who are not disabled. Placement of students with disabilities in special classes, separate schooling, or other removal of students with disabilities from the regular class environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Determining Educational Placements

In determining the educational placement of a student with a disability, including a preschool child with a disability, the Chickamauga City School District ensures that the placement decision is made in conformity with the LRE provisions of IDEA.

The placement of a student with a disability is determined at least annually and is based on the student's IEP. The placement decision is made by the IEP Team. Additional placement consideration meetings may be held at the request of members of the student's IEP Team.

A student with a disability is educated in the school that he or she would attend if he or she was nondisabled unless the IEP requires some other placement. Students are educated as close as possible to their home.

In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. Each IEP includes an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, and a justification for removal from regular education.

Continuum of Alternative Placements

The Chickamauga City School District ensures that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. The continuum of placements include:

- Consultative
- Collaborative
- Co-Teaching
- Supportive Instruction
- Small Group
- Separate school
- Home instruction
- Residential
- Hospital/Homebound (short term)
- Hospital/Homebound (intermittent)

Supplementary services (such as resource room or itinerant instruction) are considered in conjunction with regular class placement.

Preschool students with disabilities continuum of 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:
 - 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.
 - Direct services: The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or coteaching model. (II) The child is in the regular education early childhood program but special education and related services are provided outside a regular education early childhood program.
2. Placements for children not attending a regular early childhood program:
 - A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;
 - A program provided at home as a natural environment;
 - A program provided through service providers in their offices; or
 - Any combination of the above and/or other settings based on the child's IEP.

School age students with disabilities continuum of placements include:

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:
 - Additional supportive services: The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.
 - Direct services: The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.
 - Instruction outside the general classroom for individuals or small groups.
 - Separate day school or program.
 - Home-Based instruction may be used as a short-term placement option on occasions when the parent and Chickamauga City School District 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.
 - Residential placement in-state or out-of-state.
 - Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. The Chickamauga City School District provides hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

Nonacademic Settings

The Chickamauga City School District ensures that a student with a disability participates with nondisabled students in the extracurricular services and activities, including meals, recess periods, and other services and activities, to the maximum extent appropriate to the needs of that student.

The Chickamauga City School District ensures that each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary to allow the student an equitable opportunity to participate in nonacademic and extracurricular activities.

Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the Chickamauga City School District.

The Chickamauga City School District makes 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.

Students in Public or Private Institutions

The Chickamauga City School District assures that no student with a disability placed by the Chickamauga City School District in a public or private institution is denied access to an education in the LRE, except for those students in adult prisons as described in 160-4-7-.02 FREE AND APPROPRIATE PUBLIC EDUCATION. [34 C.F.R. § 300.118]

The Chickamauga City School District is responsible for the education of a student with a disability who is enrolled in a separate facility and ensures that the child receives appropriate physical education services.

Technical Assistance and Training Activities

The Chickamauga City School District carries out activities to ensure that all teachers and administrators are fully informed about their responsibilities for implementing LRE and are provided with technical assistance and training necessary to assist them. Administrators and teachers are provided annual training on LRE. During the school year as IEPs.

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

State Rule: 160-4-7-.08

GaDOE Implementation Manual: Parents

Confidential Information

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

Chickamauga City School District will provide a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the Chickamauga City School District intends to use in gathering the information, and the uses to be made of the information

Confidentiality information shall be given in native languages appropriate to population groups served by the Chickamauga City School District.

Chickamauga City School District will provide notice that is adequate to fully inform all parents concerning the policies and procedures which the Chickamauga City School District follows regarding storage, disclosure to third parties, and retention and destruction of personally identifiable information

Chickamauga City School District shall provide a description of all of the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations.

Access Rights and Required Procedures

The Chickamauga City School District permits parents to inspect and review any education records relating to their children that are collected, maintained, or used by the Chickamauga City School District. The Chickamauga City School District will comply with a request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

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

The right to inspect and review all education records includes:

The right to a response from the Chickamauga City School District to reasonable requests for explanations and interpretations of the records;

The right to request that the Chickamauga City School District 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; and

1. The right to have a representative of the parents inspect and review the records.

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

Record of Parties Obtaining Access: Chickamauga City School District keeps a record of parties obtaining access to education records collected or maintained (except access by the parents and authorized employees of the Chickamauga City School District, including the name of the party, the date access was given, and the purpose for which the party is authorized to review or use the records.

Records on More Than One Child: If any education record includes information on more than one student, the parent(s) of those students have the right to inspect and review only the data relating to their child or be informed of that specific information

List of Types and Locations of Information: Upon request, the Chickamauga City School District will provide the parents a list of the types and locations of education records collected, maintained, or used by the Chickamauga City School District.

Fees: Chickamauga City School District may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. The Chickamauga City School District may not charge a fee to search for and retrieve information.

Amendment of Records at Parent's Request

The parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request that the Chickamauga City School District amend the information.

The Chickamauga City School District will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

If the Chickamauga City School District decides to refuse to amend the information in accordance with the request, it must inform the parents of the refusal and advise the parents of the right to a hearing.

The Chickamauga City School District will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing held must be conducted according to the procedures under FERPA and its regulations.

Results of Hearing

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

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

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

Consent

Parental consent will be obtained before personally identifiable information is disclosed to other parties in accordance with 34 C.F.R. § 99 .30, unless the disclosure is authorized without parental consent under 34 C.F.R. § 99 .31. Under 34 C.F.R. § 99 .31, 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 educational interests. This includes teachers within the Chickamauga City School District, legally constituted cooperating agencies or other agencies providing shared services;
- Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record, if desired, and have a n opportunity for a hearing to challenge the content of the record;
- Authorized Federal, State or local representatives in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs. The

information must be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to above and must be destroyed when no longer needed;

- In connection with a child's application for or receipt of financial aid for which the child has applied or which the student has received, if the information is necessary;
- State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system;
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction . Information may only be disclosed if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed;
- Accrediting organizations to carry out their accrediting functions;
- In compliance with a judicial order or a lawfully issued subpoena, the Chickamauga City School District will make a reasonable attempt to notify the child's parents of the judicial order or subpoena before releasing the records, unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena issued for law enforcement purposes and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- Disclosure in connection with a health information is necessary to protect the health or safety emergency if the knowledge of the or safety of the child or other individuals.
- The disclosure is information the Chickamauga City School District has designated as "directory information" and the Chickamauga City School District has given public notice to parents and eligible students of the types of personally identifiable information that the Chickamauga City School District has designated as directory information, a parent's or eligible student's right to refuse to let the Chickamauga City School District to designate any or all of those types of information about the student as directory information, and the period of time within which a parent or eligible student has to notify the Chickamauga City School District in writing that he or she does not want any or all of those types of information about the student designated as directory information;
- The Office for Civil Rights;
- Officials within the Department of Human Resources (D H R), Department of Corrections (DOC), Department of Juvenile Justice (DJJ) and Department of Labor (DOL) for the purpose of making appropriate educational decisions regarding placements.

Safeguards

The Chickamauga City School District will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The Chickamauga City School District's superintendent or designee will ensure the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent's consent is forbidden.

All persons collecting or using personally identifiable information must receive training or instruction regarding department policies and procedures concerning personally identifiable information.

Chickamauga City School District will maintain, for public inspection, a current listing of the names and positions of employees within the Chickamauga City School District who may have access to personally identifiable information.

Destruction of Information

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

The Chickamauga City School District has procedures for destruction of information and 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. These procedures must be in accordance with FERPA and its regulations (34 CFR part 99) and the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).

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.

PROCEDURAL SAFEGUARDS/PARENT RIGHTS

[State Rule: 160-4-7-.09](#)

[GaDOE Implementation Manual: Parents](#)

[Copy of Parents' Rights \(gadoe.org\)](#)

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.

1. Upon initial referral or parent request for evaluation
2. Upon receipt of the first state complaint in a school year
3. Upon receipt of the first request for a due process hearing in a school year
4. Upon notification by the Chickamauga City School District 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
5. Prior to accessing a child’s or parent’s public benefits or insurance for the first time
6. Upon request by the parent

The parent may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail from the Chickamauga City School District.

The Chickamauga City School District has a copy of the Procedural Safeguards/Parent Rights on its web site.

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

The Chickamauga City School District has procedures to provide an opportunity for the parents of a child with a disability to:

- Inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child.
- Participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education (FAPE) to such child.
- Obtain an independent educational evaluation of the child.

The Chickamauga City School District has procedures to provide to ensure that parents:

- Receive notice before the school initiates or changes (or refuses to initiate or change) the identification, evaluation, educational placement of the child, or the provision of FAPE to the child.
- Receive notice of places to contact for assistance in understanding the procedural safeguards/parents' rights.
- Receive procedural safeguards notice and a full explanation of the procedural safeguards.

Parental Opportunity to Examine Records

The Chickamauga City School District has 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 Chickamauga City School District to reasonable requests for explanations and interpretations of the records, the right to request the Chickamauga City School District 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.

The Chickamauga City School District may presume that the parent has these rights unless the Chickamauga City School District has been advised that the parent does not have the authority due to State law governing, guardianship, separation, and divorce. [See 34 C.F.R. § 300.613]

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.

1. A meeting does not include informal or unscheduled conversations involving Chickamauga City School District personnel and does not include conversations on issues such as teaching methodology, lesson plans or coordination of service provision.
2. A meeting also does not include preparatory activities that Chickamauga City School District personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting.
3. The Chickamauga City School District ensures that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child

If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the Chickamauga City School District will use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.

A placement decision may be made by a group without the involvement of the parent(s) if the Chickamauga City School District is unable to obtain their participation in the decision. In this case, the district must have a documentation of the number of attempts in a variety of ways to ensure their involvement.

The Chickamauga City School District shall make reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Independent Educational Evaluation

An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by the Chickamauga City School District responsible for the education of the child with a disability in question. Public expense means that the Chickamauga City School District 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 Chickamauga City School District, subject to the conditions in paragraphs (a)(1) – (3) of this section. [34 C.F.R. § 300.502(b)(1)]

If a parent requests an independent educational evaluation at public expense, the Chickamauga City School District 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 Chickamauga City School District demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.

If the final decision is that the Chickamauga City School District'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 Chickamauga City School District 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 Chickamauga City School District may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the Chickamauga City School District evaluation.

The Chickamauga City School District must provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the Chickamauga City School District'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 Chickamauga City School District, if it meets state and district criteria, in any decision made with respect to the provision of a FAPE to the child; and 2. May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child. [34 C.F.R. § 300.502(c)(1) – (2)] (c)

If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.

Whenever the Chickamauga City School District pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the district uses when it initiates an evaluation.

The Chickamauga City School District may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

A parent is entitled to only one independent education evaluation at public expense each time the Chickamauga City School District conducts an evaluation with which the parent disagrees.

Notice to Parents/Guardians/Surrogate

The parents shall be provided notice written in language understandable to the general public a reasonable time before the Chickamauga City School District proposes to initiate or change the identification, evaluation or educational placement of a child or the provision of a FAPE to the child. Written notice shall also be provided if the Chickamauga City School District refuses to take such action.

After rights have been transferred to a child who has reached the age of majority, any written notice covered under this Rule shall be provided to both the child and to the parent(s) of the child.

Chickamauga City School District shall provide a full explanation of all procedural safeguards/parents' rights available to the parent(s). The communication to the parent(s) shall include a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected.

Communication to the parent(s) shall include a description of each evaluation procedure, assessment, record or report the district used as a basis for the proposed or refused action. Also included shall be a description of any other factors which are relevant to the district's proposal or refusal, a statement that the parent(s) of a child with a disability has protection under the procedural safeguards/parents' rights, a statement of how a copy of the procedural safeguards/parents' rights may be obtained, and information providing sources to contact for assistance in understanding the procedural safeguards/parents' rights.

In most cases, the above Notice requirements can be addressed by providing the parent(s) with a copy of documents such as the consent to evaluate, consent for placement, consent for accessing a child's or parent's public benefits or insurance, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate.

However, there may be circumstances when a parent makes a request, but these items have not yet been generated for the child. In such a case, the Chickamauga City School District must respond to the request through an alternative manner, such as through a letter to the parent(s), which provides all the required elements identified in paragraph (5)(b) above.

Graduation from high school with a regular education diploma constitutes a change in placement and requires written prior notice, in accordance with information above.

The Chickamauga City School District shall ensure that the notice required in this rule shall be written in language understandable to the general public.

Provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so.

If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication: the district must ensure the parent understands the content of the notice; and that there is written evidence that the requirements have been met.

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.
Consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE. Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.

4. Disclosing personally identifiable information under conditions described in Rule 160-4-7-.08 Confidentiality of Personally Identifiable Information; and [See 34 C.F.R. § 300.622(a) – (b)]
5. Accessing a child’s or parent’s public benefits or insurance for the first time as described in Rule 160-4-7-.02 Free Appropriate Public Education (FAPE). [See 34 CFR § 300.154(d)(iv)] (b) Except for an initial evaluation, initial placement, and re-evaluation, consent is not required as a condition of any benefit to the parent(s) or child. (c) Consent for initial evaluation shall not be construed as consent for initial provision of special education and related services. [34 C.F.R. § 300.300(a)(1)(ii)] (d) The Chickamauga City School District 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. [34 C.F.R. § 300.300(a)(1)(iii)]
6. For initial evaluations only, if the child is a ward of the state and is not residing with the child’s parent, the district is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:
 - Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent of the child; or
 - The rights of the parents of the child have been terminated in accordance with state law; or
 - The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
7. If the parent of a child in public school or seeking to enroll in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the district may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings.
8. The district does not violate its obligations under Child Find if it declines to pursue the evaluation.
9. A district that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.
10. If the parents of a child fail to respond or refuse to consent to services, the district may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided.

11. 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 district will not be considered in violation of the requirement to make FAPE available to the child for which the district sought consent.
12. The Chickamauga City School District is not required to convene an IEP Team meeting or develop an IEP for the child for whom the Chickamauga City School District requests consent.
13. The Chickamauga City School District must obtain informed parental consent prior to conducting a re-evaluation of a child with a disability.
14. If the parent refuses to consent to the re-evaluation, the district 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.
15. The district does not violate its obligation if it declines to pursue the re-evaluation.
16. The Chickamauga City School District need not obtain informed parental consent if it can demonstrate that: (i) It made reasonable efforts to obtain such consent; (ii) The child's parents failed to respond.
17. Parental consent is not required before: (i) Reviewing existing data as a part of an evaluation or re-evaluation; or (ii) Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children.
18. A district may not use a parent's refusal to consent to one service or activity under subparagraph (d) – (f) of paragraph 6 of this Rule to deny the parent or child any other service, benefit, or activity of the district.
19. If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the district may not use the consent override procedures described in this rule.
20. The district is not required to consider the child as eligible for services.
21. To meet the reasonable efforts requirement in the consent section of this rule, the district must document its attempts to obtain parental consent.

22. A parent may revoke consent for the receipt of special education and related services once the child is initially provided special education and related services.
23. Revocation of consent to provide special education and related services is for all special education and related services, not individual services.
24. The intent to withdraw the child from special education and related services must be made in writing by the parent to the district.
25. The district may not continue to provide special education and related services to the child, but must, prior to removing the child from special education and related services, provide the parent prior written notice that meets the requirements of paragraph (5) of this rule.
26. The district may not use the procedures of mediation or due process hearings to override the withdrawal of consent.
27. The district will not be in violation of the responsibility to provide a free and appropriate public education (FAPE) to a child with a disability because of the failure to provide further special education and related services.
28. The district is not required to convene an IEP meeting for a child whose consent to receive special education and related services has been revoked.
29. Subsequent referrals for special education and related services shall be considered an initial evaluation and subject to the sixty day evaluation time period.
30. The district is not required to amend the records of the child to remove any references to the provision of special education and related services prior to the receipt of the revocation of consent.

Parental Training and Awareness

Parents may be provided assistance to:

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

DISCIPLINE

State Rule: 160-4-7-.10

GaDOE Implementation Manual: Discipline with Flow Charts

According to Georgia school laws, LEAs are given the responsibility to develop appropriate and legally based disciplinary procedures. Students in the LEA are expected to follow the rules of the Student Code of Conduct. Students with disabilities are expected to follow the rules, just like all other students in the school, unless a student's individualized education program (IEP) specifically states otherwise.

The Student Code of Conduct is included in the Student Application. The Student Application is required to be completed and submitted annually. Through the application parents and students are required to sign acknowledgement that they have received, read, and understand the Student Code of Conduct. The Student Code of Conduct can also be found on the Chickamauga City School District Website.

The LEA shall ensure that the parents and the student with a disability receive notice of the rules and regulations applicable to students with disabilities with respect to child management, discipline, and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.

Authority of School Personnel

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a student with a disability who violates the student code of conduct.

School personnel may remove a student with a disability who violates the student code of 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 and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under this Rule).

If a student with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the district must provide services to the student.

For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior was a direct violation of the school code is determined not to be a manifestation of the

student's disability, school personnel may apply the relevant disciplinary procedures to student 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 (e) of this Rule. [34 C.F.R. § 300.530(c)]

A student with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

1. Continue to receive educational services to enable the student to participate in the general education curriculum, although in another setting, and to progress toward meeting goals outlined in the student's IEP.
2. Receive a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan (BIP) and IEP, that are designed to address the behavior violation, so it does not happen again.

The district is only required to provide services during periods of removal to a student 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.

After a student 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 student's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the student's IEP goals.

If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the student's IEP Team determines appropriate services needed in order to provide a free, appropriate public education, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the student's IEP goals.

Services may be provided in an interim alternative educational setting.

Manifestation Determination

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the district, the parent, and the relevant

members of the student's IEP Team (as determined by the parent and the district) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

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

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

If the district, the parent and the relevant members of the child's IEP Team determines the conduct in question was a direct result of the failure of the LEA to implement the IEP, the LEA must take immediate steps to address those concerns.

Determination that Behavior was a Manifestation

If the district, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must either:

- Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
- If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior, and return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

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

- 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 district; or

- 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 district; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the district.

The interim alternative educational setting is determined by the IEP Team.

Notification

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must notify the parents of that decision and provide the parents the procedural safeguards notice described in Rule 160-4-7-.09 Procedural Safeguards. [34 C.F.R. § 300.530(h)] (7)

Appeal

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or a school district 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. To request a hearing, the parent must file a due process hearing.

The administrative law judge or hearing officer hears the facts and makes a determination regarding an appeal under the disagreement. The administrative law judge or hearing officer may return the child with a disability to the placement from which the child was removed if determined that the removal was a violation of this Rule or that the child's behavior was a manifestation of the child's disability. The administrative law judge or hearing officer may 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.

These appeal procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a hearing is requested, the parents or the school district, must have an opportunity for an expedited impartial due process hearing.

- The State is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing.
- Unless the parents and school district agree in writing to waive the resolution meeting or agree to use the mediation process
 - A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint.
 - The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint.
 - The decisions on expedited due process hearings are appealable consistent with Dispute Resolution Rule.

Placement During Appeals

When an appeal under this Rule has been made by the parent or the school district , the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the end of the 45 school day time period, whichever comes first, unless the parent and the LEA agree otherwise

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

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

- The parent of the child had expressed concern in writing to supervisory or administrative personnel or a teacher of the child, that the child is in need of special education and related services.
- The parent of the child requested an evaluation of the child for eligibility determination.
- The teacher of the child or other personnel of the school district expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education of the school district or to other supervisory personnel of the school district.

The school district 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.

If the school district does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation 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 information provided by the parents, the agency must provide special education and related services.

Referral to and Action by Law Enforcement and Judicial Authorities

Nothing in this Rule prohibits the LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

The LEA reporting the crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

The LEA reporting the crime under this Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Change of Placement Because of Disciplinary Removals

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:

- The removal is for more than 10 consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern
 - Because the series of removals total more than 10 school days in a school year
 - Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

- Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

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

SURROGATE PARENT

State Rule: 160-4-7-.11

GaDOE Implementation Manual: Parents

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 Chickamauga City School District when:

- No parent can be identified;
- The Chickamauga City School District, after reasonable efforts, cannot locate the parents;
- The child is a ward of the State under the laws of Georgia; or
- The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.

Duties

The Chickamauga City School District 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.

The Chickamauga City School District shall maintain a list of eligible persons to serve as surrogate parents.

Wards of the State

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 in paragraphs.

Criteria for Selection of Surrogate Parents

The Chickamauga City School District will ensure that a person selected as a surrogate parent-

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

Non-Employee Requirement: Compensation

A person otherwise qualified to be a surrogate parent under paragraph (4) of this section is not an employee of the Chickamauga City School District solely because he or she is paid by the Chickamauga City School District to serve as a surrogate parent.

Unaccompanied Homeless Youth

In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of paragraph (4) of this section.

Surrogate Parent Responsibilities

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

- The identification, evaluation, and educational placement of the child; and
- The provision of FAPE to the child.

Liability

Any individual appointed to act as a surrogate parent for a child with a disability under IDEA 2004 shall not be liable for any civil damages for any action or actions done while performing duty as a surrogate parent, except for acts or omissions to act constituting gross, willful, or wanton negligence.

DISPUTE RESOLUTION

State Rule: 160-4-7-.12

GaDOE Implementation Manual: Dispute Resolution

Complaint Process

An organization or individual, including an organization or individual from another state, may file a signed, written complaint regarding allegations of substance. The complaint shall include a statement that the LEA has violated requirements of the IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.

- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.
- The party filing the complaint must forward a copy of the complaint to the LEA at the same time the party files the complaint with the GaDOE.
- The complaint shall be reviewed and investigated as necessary and appropriate action taken within 60 calendar days of its receipt by the GaDOE.
- If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing.
- If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be so informed by the GaDOE. However, a complaint alleging a LEA's failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described in this rule.
- Through activities of the GaDOE and the LEAs, the state complaint procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.
- The complaint procedure is as follows.

1. Complaints from any organization or individual shall be signed and addressed in writing to:
Director, Division for Special Education Services
Georgia Department of Education
1870 Twin Towers East
Atlanta, Georgia 30334-5010
2. The party filing the complaint must forward a copy of the complaint to the LEA serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent or the Special Education Director of the LEA.
3. The complaint shall include a statement that the State or LEA has violated a requirement of Part B of IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
4. The Divisions for Special Education Services and Supports shall address the issue with the LEA in writing and request a response within 10 business days from the public agency directly involved.
 - (i) The LEA involved shall respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
 - (ii) Copies of all correspondence shall be sent to the parties involved that include the complainant, the GaDOE and the LEA. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
5. The parent who files the complaint and the LEA shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.
6. Upon receipt of the first State complaint from a parent in a school year, the LEA involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability.

7. The Divisions for Special Education Supports and Services shall review the LEA's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Divisions for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an on-site visit, if necessary, to clarify the issue.
8. The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the IDEA. The on-site review may include examination of records, interviews, and classroom visits.
9. The Divisions for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.
10. The Divisions for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the LEA is violating a requirement of Part B of the IDEA.
11. The Divisions for Special Education Supports and Services shall issue a written decision to the LEA and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.
 - (i) The Divisions for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. [34 C.F.R. § 300.152(b)(2)] This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.
 - (ii) If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the LEA is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities. [34 C.F.R. § 300.151(b)]
 - (iii) GaDOE must not make any final determination that a LEA is not eligible for assistance under part B of the Act without first giving the LEA reasonable notice and an opportunity for a hearing under 34 C.F.R. § 76.401(d). [34 C.F.R. § 300.155] GaDOE's hearing process can be found in Rule 160-5-2-.02 Withholding of Funds from Local Units of Administration.

12. An extension of the 60 calendar-day time limit for resolution may be made by the GaDOE only when exceptional circumstances exist with respect to a particular complaint or if the parent or other complainant and the LEA involved agree to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution.
- (h) Complaints - Private Schools. Complaints that a LEA has failed to meet the requirements regarding children who are parentally placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding child find are to be filed with the LEA in which the private school is located, and a copy forwarded to the GaDOE.

Mediation Process

Each LEA shall ensure that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process.

- (a) The mediation process shall be available on request of either party to resolve disputes.
- (b) Mediation shall be available and offered upon each receipt of a complaint or a due process hearing request.
- (c) The procedures shall ensure that the mediation process:
1. Is voluntary on the part of the parties;
 2. Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA; and
 3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. § 300.506 (b)(1)(i) – (iii)]
- (d) A LEA may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State established under section 671 or 672 of IDEA, who would explain the benefits of and encourage the use of the mediation process to the parents. [34 C.F.R. § 300.506(b)(2)]

(e) The GaDOE shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational or other impartial basis. [34 C.F.R. § 300.506(b)(3)(i) – (ii)]

1. An individual who serves as a mediator may not be an employee of the GaDOE or the LEA that is involved in the education or care of the child; and 2. Mediators must not have a personal or professional interest that conflicts with the person's objectivity.

(i) A person who otherwise qualifies as a mediator is not an employee of a LEA or State agency solely because he or she is paid by the GaDOE to serve as a mediator. [34 C.F.R. § 300.506(c)]

(f) The State shall bear the cost of the mediation process. [34 C.F.R. § 300.506(b)(4)]

(g) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. [34 C.F.R. § 300.506(b)(5)]

(h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:

1. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and

2. Is signed by both the parent and a representative of the LEA with the authority to bind the LEA.

3. The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process. [34 CFR 300.506(b)(6) – (7); § 300.537]

Impartial Due Process Hearings

The impartial due process hearing is designed to provide a parent or LEA an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a (FAPE) to a child with a disability.

(a) The due process hearing request must allege a violation that occurred not more than two years before the date the parent or LEA knew or should have known about the alleged action that forms the basis of the due process hearing request. [34 C.F.R. § 300.507(a)(2)]

1. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or

2. The school district's withholding of information from the parent that was required to be provided to the parent [34 C.F.R. § 300.511(f)]

(b) Due process hearings are provided at no cost to either party; however each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses unless a court awards the recovery of such costs to the prevailing party

(c) The LEA must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the LEA. [34 C.F.R. § 300.507(b)]

(d) Due Process Request Procedures are as follows:

1. The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the LEA, the party must provide a copy to the LEA's Superintendent at the same time it provides it to the State.

2. Either party, or the attorney representing either party, may file the due process hearing request.

3. The state and the parties shall keep the content of the due process request confidential. [34 C.F.R. § 300.508(a)(1) – (2)]

4. The content of the complaint must include: (i) The name of the child; (ii) The address of the residence of the child; (iii) The name of the school and the LEA the child is attending; (I) For a homeless child, the contact information for the child and the name of the school and LEA the child is attending; (iv) A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement or provision of a free appropriate public education (FAPE) including the facts relating to the problem; (v) A proposed resolution to the problem to the extent known and available to the party at the time. [34 C.F.R. § 300.508(b)(1) – (6)]

5. A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above. [34 C.F.R. § 300.508(c)]

6. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above. [34 C.F.R. § 300.508(d)(1)]

(i) Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination. [34 C.F.R. § 300.508(d)(2)]

7. A party may amend its due process request only if:

(i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or

(ii) The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing. [34 C.F.R. § 300.508(d)(3)(i) – (ii)]

(iii) If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again. [34 C.F.R. § 300.508(d)(4)]

8. LEA response to a due process hearing request.

(i) If the LEA has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the LEA must within ten days of receiving the due process hearing request, send to the parent a response that includes:

(I) An explanation of why the LEA proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the LEA used as the basis for the proposed or refused action; a description of the other factors that are relevant to the LEA's proposed or refused action. [34 C.F.R. § 300.508(e)(1)(i) – (iv)]

9. The LEA response does not preclude the LEA from asserting that the parent's due process request is insufficient. [34 C.F.R. § 300.508(e)(2)]

10. Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request. [34 C.F.R. § 300.508(f)]

(e) Resolution process: Within 15 days of receiving a parent’s due process hearing request and prior to the initiation of a due process hearing, the LEA must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:

1. Includes a representative of the LEA who has decision-making authority on behalf of the LEA; and
2. May not include an attorney for the District unless the parent is accompanied by an attorney. [34 C.F.R. § 300.510(a)(1)(i) – (ii)]
3. The parent and the LEA determine the relevant members of the IEP Team to attend the meeting. [34 C.F.R. § 300.510(a)(4)]
4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the LEA has the opportunity to resolve the dispute that is the basis of the request for a due process hearing. [34 C.F.R. § 300.510(a)(2)]
5. The resolution meeting need not be held if the parent and the LEA agree in writing to waive the meeting; or the parent and the LEA agree to use mediation to attempt to resolve the due process hearing request. [34 C.F.R. § 300.510(a)(3)(i) – (ii)]

(f) The resolution period: If the LEA has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur. [34 C.F.R. § 300.510(b)(1)]

1. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation. [34 C.F.R. § 300.510(b)(3)]
2. If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in Rule 160-4-7-.06(11)(d)) [34 C.F.R. § 300.322(d)], the LEA may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent’s due process hearing request. [34 C.F.R. § 300.510(b)(4)]
3. If the LEA fails to hold the resolution meeting within 15 days of receiving notice of a parent’s due process hearing request or fails to participate in the resolution meeting, the parent may seek

the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline. [34 C.F.R. § 300.510(b)(5)]

(g) The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is necessary.

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

(i) Both parties agree in writing to waive the resolution meeting;

(ii) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;

(iii) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation. [34 C.F.R. § 300.510(c)(1) – (3)]

(h) If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the LEA who has the authority to bind the LEA; [34 C.F.R. § 300.510(d)(1)]

1. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process. [34 C.F.R. § 300.510(d)(2); § 300.537]

2. If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution. [34 C.F.R. § 300.510(e)]

(i) The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:

1. Must not be an employee of the GaDOE or the LEA that is involved in the education or care of the child; [34 C.F.R. § 300.511(c)(1)(i)(A)]

(i) A person who otherwise qualifies to conduct a hearing is not an employee of the GaDOE or its representatives solely because he or she is paid by GaDOE to serve as an administrative law judge or hearing officer. [34 C.F.R. § 300.511(c)(2)]

2. Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing; [34 C.F.R. § 300.511(c)(1)(i)(B)]

3. Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;
 4. Must not be previously personally familiar with the specific program or services of the LEA at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific LEA or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;
 5. When any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties.
 6. Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; [34 C.F.R. § 300.511(c)(1)(ii)]
 7. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and [34 C.F.R. § 300.511(c)(1)(iii)]
 8. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice. [34 C.F.R. § 300.511(c)(1)(iv)]
 9. GaDOE or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons. [34 C.F.R. § 300.511(c)(2)]
- (j) Subject matter of due process hearings. The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise. [34 C.F.R. § 300.511(d)]
- (k) Timeline for requesting a hearing. A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request. [34 C.F.R. § 300.511(e)]
1. Exceptions to the timeline. The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the LEA that it had resolved the problem forming the basis of the due process hearing request; or the LEA's

withholding of information from the parent that was required to be provided to the parent. [34 C.F.R. § 300.511(f)(1) – (2)] (l) Any party to a due process hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities; [34 C.F.R. § 300.512(a)(1)]

2. Present evidence and confront, cross-examine, and compel the attendance of witnesses; [34 C.F.R. § 300.512(a)(2)]

3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing; [34 C.F.R. § 300.512(a)(3)]

4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; [34 C.F.R. § 300.512(a)(4)]

5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions. [34 C.F.R. § 300.512(a)(5)]

6. Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. [34 C.F.R. § 300.512(b)(1)]

(i) An administrative law judge or hearing officer may bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party. [34 C.F.R. § 300.512(b)(2)]

7. The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act, O.C.G.A. § 9-11-6; O.C.G.A. 1-3-1(d)(3).

8. Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

(m) The parties may agree to settle the matters in dispute at any time whereupon the ALJ, upon written request, shall enter an order dismissing the matter.

1. A party may file a motion for voluntary dismissal at any time, up until five days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time.

2. Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dismissal.

3. Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal.

4. If the ALJ determines that the motion has been made for good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations.

5. If the ALJ determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing, or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.

(n) The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform with the requirements of law and justice in individual cases under unique or unusual circumstances as determined by the administrative law judge or hearing officer.

(o) Parents involved in hearings must be given the right to:

1. Have the child who is the subject of the hearing present;

2. Open the hearing to the public; and

3. Have the record of the hearing and the findings of fact and decisions provided at no cost to parents. [34 C.F.R. § 300.512(c)(1) – (3)]

(p) An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds. [34 C.F.R. § 300.513(a)(1)]

1. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies:

(i) Impeded the child's right to a FAPE;

(ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or

(iii) Caused a deprivation of educational benefit. [34 C.F.R. § 300.513(a)(2)(i) – (iii)]

(I) Nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering a LEA to comply with procedural requirements. [34 C.F.R. § 300.513(a)(3)]

(q) Nothing in this Rule shall be construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed. [34 C.F.R. § 300.513(c)]

(r) The GaDOE, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public. [34 C.F.R. § 300.513(d)(1) – (2)]

(s) A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph (s) below. [34 C.F.R. § 300.514(a)]

(t) The GaDOE must ensure that not later than 45 days after the expiration of the 30- day resolution period or the adjusted resolution time periods that:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties. [34 C.F.R. § 300.515(a)(1) – (2)]
3. An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided. [34 C.F.R. § 300.515(c)]
4. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved. [34 C.F.R. § 300.515(d)]

(u) Civil Action. Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State

court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. [34 C.F.R. § 300.516(a)]

1. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action. [34 C.F.R. § 300.516(b)]

2. In any civil action, the court:

(i) Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;

(ii) Hears additional evidence at the request of a party; and

(iii) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate. [34 C.F.R. § 300.516(c)(1) – (3)]

(v) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy. [34 C.F.R. § 300.516(d)]

(w) Rule of construction. Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the IDEA, the procedures under IDEA must be exhausted to the same extent as would be required had the action been brought under the IDEA. [34 C.F.R. § 300.516(e)] .

(x) Attorneys' fees. In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or

(y) To a prevailing party who is the GaDOE or LEA against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

(z) To a prevailing GaDOE or LEA against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. [34 C.F.R. § 300.517(a)(1)(i) – (iii)]

(aa) Funds under Part B of the IDEA may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA. [34 C.F.R. § 300.517(b)(1) – (2)]

(bb) If a court awards reasonable attorneys' fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph. [34 C.F.R. § 300.517(c)(1)]

(cc) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

2. The offer is not accepted within 10 days; and 3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement. [34 C.F.R. § 300.517(c)(2)(i)(A) – (C)]

(i) An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer. [34 C.F.R. § 300.517(c)(3)]

(dd) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation. [34 C.F.R. § 300.517(c)(2)(ii)]

(ee) A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section. [34 C.F.R. § 300.517(c)(2)(iii)(A) – (B)]

(ff) The court may reduce the amount of the attorneys' fees awarded, if the court finds that:

1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

2. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing the parent did not provide to the LEA the appropriate information in the due process hearing request notice. [34 C.F.R. § 300.517(c)(4)(i) – (iv)]

(gg) The provisions of paragraph (dd) of this section do not apply if the court finds that the State or LEA unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA. [34 C.F.R. § 300.517(c)(5)]

(hh) Child's status during proceedings. Except as noted in the Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement. [34 C.F.R. § 300.518(a)]

(ii) If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. § 300.518(b)]

(jj) If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the LEA is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, the LEA must provide those special education and related services that are not in dispute between the parent and the LEA. [34 C.F.R. § 300.518(c)]

(kk) If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the LEA and the parents. [34 C.F.R. § 300.518(d)]

PRIVATE SCHOOLS

State Rule: 160-4-7-.13

GaDOE Implementation Manual: Private Schools with Flow Charts

Children with Disabilities in Private Schools Placed or Referred by Chickamauga City School District

The Chickamauga City School District must ensure that a child with disability who is placed in or referred to a private school or facility by the Chickamauga City School District as a means of providing special education and related services:

- Is provided special education and related services in conformance with an IEP
- At no cost to the parents
- Has all of the rights of a child with a disability who is served by the Chickamauga City School District.

Placement of Children by Parents When FAPE is an Issue

If the Chickamauga City School District made a free appropriate public education (FAPE) available to a child and the child's parents elect to place the child in a private school or facility, the Chickamauga City School District is not required to pay for the cost of the education, including special education and related services, for the child at the private school or facility. However, these students must be included in the activities.

Disagreements about FAPE: Such disagreements regarding the availability of a program appropriate for the child and the question of financial responsibility are subject to the procedural safeguards provided in Rule 160-4-7-.09 Procedural Safeguards/Parent Rights

Reimbursement for Private School Placement: If the parents of a child with a disability, who previously received special education and related services in the Chickamauga City School District, enroll the child in a private preschool, elementary school or secondary school without the consent of or referral by the Chickamauga City School District, a court or an administrative law judge (ALJ) may require the Chickamauga City School District to reimburse the parents for the cost of that enrollment if the court or ALJ finds that the Chickamauga City School District had not made a FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by an ALJ or a court even if it does not meet the state standards that apply to education provided by the State or Chickamauga City School District.

Limitation on Reimbursement: The cost of reimbursement described in the above sections 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 Chickamauga City School District, the parents did not inform the IEP Team that they were rejecting the placement proposed by the Chickamauga City School District to provide a FAPE to their child and did not state their concerns or their intent to enroll the child in a private school at public expense; or
- At least 10 business days prior to the removal of the child from the Chickamauga City School District, the parents did not give written notice to the Chickamauga City School District that they were rejecting the placement proposed by the Chickamauga City School District to provide a 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, prior to the parent's removal of the child from the Chickamauga City School District, the Chickamauga City School District informed the parents through the 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; or
- Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Exception to Limitation on Reimbursement: The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the Chickamauga City School District.

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 requirement to provide the notice;

The provision of notice would likely result in physical harm to the child.

The cost of reimbursement may, in the discretion of the court or administrative law judge, not be reduced or denied for a parent's failure to provide the notice to the Chickamauga City School District

The parents are not literate or cannot write in English; or

The provision of notice would likely result in serious emotional harm to the child.

Children with Disabilities Enrolled by their Parents in Private Schools

As used in this part, the term "parentally-placed private school children with disabilities" means children with disabilities enrolled by their parents in private schools, including religious, schools or facilities when the provision of a FAPE is not at issue. The term does not include private school children with disabilities placed by the Chickamauga City School District as a means of providing special education and related services.

Children who are home schooled within the jurisdiction of the Chickamauga City School District are also considered parentally placed private school students.

Child Find. The Chickamauga City School District shall locate, identify, and evaluate all private school children with disabilities (including out of state students) enrolled by their parents in private, including religious, elementary and secondary schools located in the Chickamauga City School District in accordance with Child Find. The Child Find activities utilized to comply with this requirement must be comparable to activities undertaken for children with disabilities enrolled in the Chickamauga City School District.

The Child Find process must be designed to ensure the equitable participation of parentally placed private school children to provide an accurate count of children with disabilities.

The Chickamauga City School District shall consult with appropriate representatives of private school children with disabilities to carry out Child Find activities; the activities must be similar to those undertaken for the public-school children and completed in a time period comparable to that for children attending public schools.

Provision of services- To the extent consistent with their number and location in the state, provisions must be made for the participation of private school children with disabilities in programs provided under Part B of the IDEA by providing children with special education and related services in accordance with this section.

A services plan shall be developed and implemented for each private school child with a disability who has been designated to receive special education and related services by the Chickamauga City School District in which the private school is located.

The Chickamauga City School District maintains its records and provides to the GaDOE, the following information related to parentally placed private school children:

- The number of children evaluated;
- The number of children determined to be children with disabilities; and

- The number of children served.

To meet the requirements for provision of services above, the Chickamauga City School District shall adhere to the following guidelines regarding expenditures:

- For children ages 3-21, the Chickamauga City School District expends an amount that is the same proportion of the Chickamauga City School District'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.
- For children ages 3-5, the Chickamauga City School District expends an amount that is the same proportion of the Chickamauga City School District '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.
- 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.
- If Chickamauga City School District has not expended for equitable services all of the funds required in this section by the end of the fiscal year, the Chickamauga City School District must obligate the remaining funds for special education and related services (including direct services) to parentally placed private school children with disabilities during a carry-over period of one additional year.
- Expenditures for Child Find activities may not be considered in determining whether the Chickamauga City School District has met these requirements.
- The Chickamauga City School District 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.
- The Chickamauga City School District shall ensure that the child count is conducted on the date provided by the state.
- The child count shall be used to determine the amount the Chickamauga City School District must spend on providing special education and related services to private school children with disabilities in the following fiscal year.
- State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally placed private school children with disabilities in this section.

Consultation- to ensure timely and meaningful consultation, the Chickamauga City School District consults with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

The Child Find process, including how parentally placed private school children suspected of having a disability can participate equitably and how the parents, teachers, and private school officials can be informed of the process.

The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated.

The consultation process among the Chickamauga City School District, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified can meaningfully participate in special education and related services.

How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of the types of services, how services will be apportioned if funds are insufficient to serve all parentally placed private schoolchildren and how and when those decisions will be made.

How, if the Chickamauga City School District disagrees with the views of the private school officials on the provision of services or the types of services, the Chickamauga City School District will provide to the private school officials a written explanation of the reasons why the Chickamauga City School District chose not to provide services directly or through a contract.

Written affirmation- when timely and meaningful consultation has occurred, the Chickamauga City School District must obtain written affirmation signed by representatives of participating private schools. If the representatives of the participating private schools do not provide the affirmation within a reasonable period of time, the Chickamauga City School District must forward documentation of the consultation process to the GaDOE.

Compliance- a private school official has the right to submit a complaint to the GaDOE that the Chickamauga City School District did not engage in consultation that was meaningful or timely or did not give due consideration to the views of the private school officials.

The complaint must be submitted through the Formal Complaint Process identified in Rule (12) Dispute Resolution.

If the private school is dissatisfied with the decision of the GaDOE, the official may submit the complaint to the USDOE and the GaDOE must forward a copy of the appropriate documentation.

Equitable services determined- no parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

The Chickamauga City School District makes the final decisions with respect to the services to be provided to eligible parentally placed private school children with disabilities prior to the start of the school year.

A services plan shall be completed for each private school child with disabilities who will receive special education and related services provided by the Chickamauga City School District and the Chickamauga City School District must:

Initiate and conduct meetings to develop, review, and revise a services plan for the child; and

Ensure that a representative of the private school attends each meeting. If the representative cannot attend, the Chickamauga City School District will use other measures to ensure participation, including individual or conference telephone calls.

Equitable services provided- services provided to private school children with disabilities must be provided by personnel who meet the same standards as personnel providing services in the public schools, except the personnel is not required to meet the highly qualified definition.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

Each parentally placed private school child with a disability who has been designated to receive special education and related services shall have a services plan that describes the specific special education and related services that the Chickamauga City School District will provide to the child.

The service plan must, to the extent appropriate, provide a statement of the special education and related services and supplementary aids and services to be provided to the child.

The service plan must be in effect at the beginning of each school year and must be developed, reviewed and revised periodically, but not less than annually.

Services may be provided by: employees of a Chickamauga City School District; or through contract by the Chickamauga City School District with an individual, organization, association, agency, or other entity.

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- 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.

If it is necessary for the child to benefit from or participate in the services provided under his or her service plan, the private school children with disabilities must be provided transportation according to the following: from the child's school or home to a site other than the private school; and from the services site to the private school, or to the child's home, depending on the timing of the services.

The Chickamauga City School District is not required to provide transportation from the child's home to the private school.

The cost of transportation as described in this Rule may be included in calculating whether the Chickamauga City School District has met the requirements of proportionate funding in this rule.

Complaints- the procedural safeguards outlined in Rule 160-4-7- .09 Procedural Safeguards/Parents Rights do not apply to complaints that the Chickamauga City School District has failed to meet requirements of this rule, including the provision of services indicated on the child's services plan except that:

The procedural safeguards outlined in rule 160-4-7- .09 Procedural Safeguards/Parents Rights do not apply to complaints that the Chickamauga City School District has failed to meet the requirements of Child Find, of this Rule, including the requirements in Rule 160-4-7- .05 Eligibility Determination and Criteria. Child find complaints must be filed with the Chickamauga City School District in which the private school is located and a copy must be forwarded to GaDOE.

The formal complaint procedures contained in Rule 160-4-7- .12 Dispute Resolution Complaints do apply to complaints that the Chickamauga City School District has failed to meet the requirements of equitable and timely consultation.

Requirement that funds not benefit a private school

The Chickamauga City School District may not use IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school or to otherwise

benefit the private school. The Chickamauga City School District shall use funds provided under the IDEA to meet the special education and related services needs of children enrolled in private schools but not for:

- The needs of the private school; or
- The general needs of the children enrolled in the private school.

Use of personnel- the Chickamauga City School District may use IDEA Part B flow-through or federal preschool funds to provide personnel in a private school to the extent necessary to provide services under this rule to private school children with disabilities if those services are not normally provided by the private school.

In order to provide services to private school children with disabilities as described in this rule, the Chickamauga City School District may use IDEA Part B flow-through or federal preschool funds to pay for the services of an employee of a private school if the employee performs the services outside of his or her regular hours of duty and under Chickamauga City School District supervision and control.

The Chickamauga City School District may not use IDEA Part B funds for classes that are organized separately on the basis of school enrollment or religion of the children if:

- The classes are at the same site; and
- The classes include children enrolled in public schools and children enrolled in private schools.

Property, Equipment, and Supplies- the Chickamauga City School District 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 Chickamauga City School District may place equipment and supplies in a private school for the period of time needed for the program.

The Chickamauga City School District ensures that the equipment and supplies placed in a private school are used only for special education purposes and can be removed from the private school without remodeling the private school facility.

The Chickamauga City School District 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.

No funds under IDEA Part B may be used for repairs, minor remodeling, or construction of private school facilities.

PERSONNEL, FACILITIES AND CASELOADS

State Rule: 160-4-7-.14

GaDOE Implementation Manual: Special Education Annual Reports

Personnel

Unless otherwise specified under program areas, the following shall apply:

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

District, and current credentials of educational interpreters must be filed with other personnel records (e.g., teacher certification credentials).

Facilities

The Chickamauga City School District 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.

Caseloads and Maximum Class Size

Information about caseloads for children with disabilities is contained below:

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

	Maximum Class Size	Caseload
full day	8	16
part day	12	32
C	-	32

APPENDIX A - CLASS SIZES AND CASELOADS

PROGRAM AREA	DELIVERY		MAXIMUM CLASS SIZE		CASE-LOAD
	Self-contained (SC) Resource (R)		W/O Para	With Para*	
INTELLECTUAL DISABILITIES					
Mild	SC		10	13	14
	R		10	13	26
Moderate	SC		NA	11	11
Severe	SC		NA	7	7
Profound	SC		NA	6	6
EMOTIONAL AND BEHAVIORAL DISORDERS					
	SC		8	11	12
	R		7	10	26
SPECIFIC LEARNING DISABILITIES					
	SC		12	16	16
	R		8	10	26
VISUAL IMPAIRMENTS					
	SC		NA	6	7
	R		3	4	13
DEAF/HARD OF HEARING					
	SC		6	8	8
	R		3	4	11
DEAF-BLIND					
	SC		NA	6	7
SPEECH-LANGUAGE IMPAIRMENTS					
	SC		11	15	15
	R		7	NA	55
ORTHOPEDIC IMPAIRMENTS					
	SC		NA	11	11
	R		4	5	15

See Rule 160-5-1-.08 (Class Size) for specifics.

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

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

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

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

GEORGIA NETWORK FOR EDUCATIONAL AND THERAPEUTIC SUPPORT (GNETS)

State Rule: 160-4-7-.15

GaDOE Implementation Manual: Service Delivery and Least Restrictive Environment

GNETS Purpose and Services

GNETS is a service available within the continuum of supports for districts to consider when determining the least restrictive environment for students with disabilities, ages 5-21.

GNETS services is an option in the continuum of supports that prevents children from requiring residential or more restrictive placement.

GNETS provides comprehensive educational and therapeutic support services to students who exhibit intense social, emotional and/or behavioral challenges with a severity, frequency, or duration such that the provision of education and related services in the general education environment has not enabled him or her to benefit educationally based on the IEP.

GNETS services aim to support students with social, emotional and/or behavioral challenges. These students' behaviors may include but are not limited to, significant, aggressive, self-destructive, atypical, and withdrawal behaviors.

Children receiving GNETS services are taught coping skills, behavior regulation, and adaptive behaviors, with a keen focus on developing positive interpersonal relationships with others.

GNETS services are implemented with greater intensity and frequency than what is typically delivered in a general education school environment. The supplemental aids and services available at GNETS must be appropriate and necessary in order for the child's IEP team to consider GNETS services.

GNETS will be staffed to meet the needs of a unique population of students requiring intensive individualized supports, including providing appropriate therapeutic services identified in the IEP. The staff receive specialized training in skills designed to deescalate major disruptive behaviors and assist students with meeting their IEP goals.

GNETS staff will collaborate with professionals from a variety of agencies to enhance students' social, emotional, behavioral, and academic development based on their IEPs.

The IEP team will assess at least annually whether the student with a disability is ready to transition to a less restrictive setting. Progress monitoring data aligned with IEP goals should be reviewed to determine if the student is ready to receive a free appropriate education (FAPE) in the lesser restrictive environment.

Consideration for GNETS Services

Consideration for GNETS services is determined by the student's Individualized Education Program (IEP) team using the criteria set forth in SBOE Rule 160-4-7-.06.

IEP teams considering recommendation of GNETS services will follow the notice requirements of SBOE Rule 160-4-7-.06. The IEP meeting will include a GNETS director or his/her designee.

An individual student is considered for GNETS services only if his or her IEP team recommends GNETS services based on the existence of all of the following, which will be documented in the student's education record:

- Documentation that indicates evidence of annual IEP reviews, progress monitoring data aligned with IEP goals, documentation indicating prior services were delivered in a lesser restrictive environment and the student's inability to receive FAPE in that environment.
- A Functional Behavioral Assessment (FBA) and/or Behavior Intervention Plan (BIP) administered within the past year.
- Documentation that a comprehensive reevaluation has been completed within the last 3 years.

Continuum of GNETS Service Delivery and Environments

The IEP team must determine that GNETS services are necessary for students to receive FAPE. Removal from the general education setting will occur only when the nature or severity of students' social, emotional and/or behavioral challenges are such that education in a general education setting with the use of supplementary services and intensive individualized interventions cannot be achieved.

The IEP team will consider the various setting in which GNETS services may be delivered and determine whether the individual student is likely to receive FAPE in each environment, beginning with the least restrictive setting.

The GNETS continuum of services by environment may be delivered as follows:

- Services provided in the general education setting in the student's Zoned School or other public school.
- Services provided in the student's Zoned School or other public school setting by way of a "pull out" from the general education setting for part of the school day.

- Services provided in the student's Zoned School or other public school for part of the school day in a setting dedicated to GNETS.
- Services provided in the student's Zoned School or other public school for the full school day, in a setting dedicated to GNETS.
- Services provided in a facility dedicated to GNETS for part of the school day.
- Services provided in a facility dedicated to GNETS for the full school day.

Duties and Responsibilities

The district shall:

- Ensure that FAPE is delivered to students recommended for GNETS services in the least restrictive environment (LRE).
- Convene IEP team meetings as required by State Board of Education Rule 160- 4-7-.06.
- Conduct FBAs/BIPs for any student considered for GNETS services
- Collaborate with the GNETS to determine opportunities for students to have access to general education activities.
- Provide transportation to and from a GNETS, as required, including transportation to and from home/school for students receiving GNETS services for part of the school day and for students participating in extracurricular activities.
- Maintain and report student record data in accordance with the State Board of Education Rule 160-5-1-.07 and GaDOE guidance.
- Provide student outcome assessments and other relevant data to GNETS director or designee.
- Monitor student IEP goals annually to determine students' progress and access to services in a lesser restrictive environment.
- Provide ongoing professional learning opportunities and best practices for teachers to support students who exhibit social, emotional and/or behavioral challenges.
- Allocate supports and resources, which may include in-kind services to GNETS to facilitate flexible models of service delivery and best practices for equitable educational support as appropriate.
- To the maximum extent possible, collaborate with community service providers to deliver mental health services and/or family support in students' Zoned schools.
- Collaborate with GNETS to examine student records and discuss the coordination of service provisions for students being considered for GNETS
- Provide GNETS staff access to longitudinal data for all students receiving GNETS services to ensure teachers can access records for students included on their rosters.
- Submit student schedules to the GaDOE with the GNETS code.
- Monitor facilities for safety and accessibility for students served by GNETS and report identified concerns to all key stakeholders such as fiscal agents, GNETS directors and any other appropriate parties.